

# Persuasive: affirmative action assignment

[History](#)



Ever since employers began to try to create balanced workforces by focusing on increasing their employment of minorities, there have been cries that such actions constitute reverse discrimination, which is a violation of the Equal Protection Clause of the Fourteenth Amendment. " Affirmative action for equal Opportunity hiring by federal agencies and defense contractors originated with President Franklin D. Roosevelt Executive Order 8802 on June 25, 1941 as a response to A. P.

Randolph threat of a March on Washington. " The reaffirming policy of full participation in the defense program by all persons, regardless of race, creed, color, or national origin, and directing certain action in furtherance of said policy". It encouraged full participation in the national defense program by all citizens of the United States- regardless of race, creed, color, or national origin in the firm belief that the democratic way of life within the Nation can be defended with the help and support of all groups.

The President ordered that in the United States there would be no discrimination in the employment of workers because of race, creed, color, or national origin in defense industries or government; establishing the Fair Employment Practice Committee. In 1943 its coverage was expanded by making it applicable to all government contractors with executive order 9346. On December 3, 1951; President Harry S. Truman's Executive Order 10308 created the Committee on Government Contract Compliance which was tasked with overseeing compliance by federal contractors with the non-discrimination provisions of Executive Order 8802.

President Dwight D. Eisenhower created the President's Committee on Government Contracts under Executive Order 10479 on August 13, 1953. This increased the "obligation of the contracting agencies of the United States Government and government contractors to insure compliance with, and successful execution of, the equal employment opportunity program of the United States Government." It made the head of each contracting agency of the federal government responsible for obtaining compliance by their contractors and subcontractors with the nondiscrimination provisions of the contracts into which they entered.

The President designated the Committee's chair and vice chair- coordination would be provided by the President's Committee on Government Contracts, housed in the Department Of Labor, and comprised of representatives of major contracting agencies, the Labor and Justice Departments, and the General Services Administration as well as eight Presidential appointees. President John F. Kennedy issued Executive Order 10925 on March 6, 1961 to "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color or national origin.

It gave federal contracting agencies authority to institute procedures against federal contractors who violated their EEO obligations; including contract cancellation, debarment from future contracts and other sanctions. In 1964, the Congress of the United States passed the Civil Rights Act of 1964, which prohibited various kinds of racial discrimination: in public accommodations, discrimination in federally assisted programs, discrimination in employment and discrimination in labor unions. It authorized The EEOC and The

<https://assignbuster.com/persuasive-affirmative-action-assignment/>

Department of Justice to sue violators of Title VII, which calls for voluntary implementation of affirmative action plans.

A valid affirmative action plan includes a systematic, comprehensive and reviewable effort to remove discriminatory practices in employment and labor unions. On September 24, 1965 President Lyndon Johnson issued Executive Order 11246 charging the Secretary of Labor, with the responsibility of ensuring equal opportunity for minorities in federal contractors' recruitment, hiring, training and other employment practices. It reinforced the requirement that federal contractors not discriminate in employment and take affirmative action to ensure equal opportunity based on race, color, religion and national origin. Influenced by Dr.

Martin Luther King's famous "I have a dream" speech on the Lincoln Memorial Steps and the civil rights act of 1964; it became a key point in a series of federal actions aimed at ending racial, religious and ethnic discrimination therefore opening doors for new opportunities through its affirmative action provisions. Over the years it has been amended and further strengthened so that it remains a major safeguard, protecting the rights of workers employed by federal contractors. Approximately one fifth of the entire U.S. labor force remains free from discrimination on the basis of their gender, race, religion, color or national origin.

Affirmative action has been litigated frequently in our nation's federal courts due to the legality of racial quotas and other affirmative action measures. In the last fifty years; the Supreme Court has ruled on more than twenty major cases relating to the legality of diverse race conscious solutions of which at

least five cases have been considered the legality of affirmative action on behalf of women. Several important cases have been related to education, employment, minority business opportunity, and voting rejected it as a legal strategy.

When plaintiffs contest affirmative action by governmental entities, it is the principles of equal protection embodied in the Fifth and Fourteenth Amendments of the Constitution. The U. S. Supreme Court has established that the Constitution prohibits discrimination on the basis Of race by State and federal government as a denial of equal protection of law. The Court's equal-protection jurisprudence presumes that racial classifications are potentially invidious, giving rise to the need for " strict scrutiny" when challenged. Strict scrutiny requires government to justify its law or conduct by appealing to a compelling governmental interest.

The constitutional conundrum posed by affirmative action is whether the provisions of the Constitution that preemptively ban state and federal government coordination on the basis of race and entail the need for strict scrutiny review nonetheless permit the use of the race conscious remedies to reduce racial discrimination. Affirmative action cases commonly involve procedural complexities relating to assigning the burdens of proving or disproving that the absence of minorities or women in an institution is the result of intentional or other unlawful discrimination.

The Constitution makes it clear that people of all races must be treated equally under the law and as a nation as well as individuals; we must be vigilant in responding to discrimination facially because we are a diverse

country in every way. In 1973, the Equal Employment Opportunity Commission won a discrimination suit against AT&T, the company agreed to pay fifteen million dollars in back pay and twenty three million dollars in pay raises to minorities who experienced discrimination. In 1974, the U. S. Supreme Court dismissed the case of *Defines vs...*

*Degrade*, in which the plaintiff alleged that the affirmative action program at the University of Washington was admitting less qualified minorities. In the same year, Congress passed the Civil Service Reform Act, which calls for immediate development of a minority recruitment program to raise minority representation in specific federal jobs. In *Fulfilled vs... Clucking*, 1980, the U. S. Supreme Court ruled that it was appropriate to use limited quotas or a small fraction of minority set-asides to correct past discrimination.

On July 19, 1995- President Bill Clinton sent a memorandum on affirmative action to all heads of Executive Departments and Agencies focused on affirmative action and requesting that all the Heads Of Executive Departments and Agencies eliminate or reform any AAA program that created quotas, preferences for unqualified individuals, and reverse discrimination. Also to keep affirmative action programs that do not violate the policy principles he spelled out.

On November 1996, the majority of California residents voted in favor of a proposition that prohibits the use of gender, race, or national origin for granting preference in hiring for public sector jobs, education and in awarding business contracts. Affirmative action is an act, policy, plan, or program designed to remedy the negative effects of wrongful discrimination.

It helps prevent injustice of discrimination on the basis of a person's race, national origin, ethnicity, language, sex, religion, disability, sexual orientation, or affiliation.

As a civil rights policy affecting minorities, it often denotes race conscious and result oriented efforts undertaken by private entities and government officials to correct the unequal distribution of economic opportunity and education that many attribute to slavery, segregation, poverty, and racism. Affirmative action varies from one field to another in careers and it generally seeks to hire a racially mixed and balanced workforce that includes an equal number of ethnicities and genders using the stratification of minority groups in the national or local population to gauge adequate representation.

Employers seek to hire minorities by using affirmative action programs on the assumption that they can achieve racially balanced workforces through race conscious hiring and promotion preferences. Preferential employment strategies involve affirmative action on behalf of a racial minority group when a person's minority race results in employment for which race is not otherwise a significant qualification. "A person's race may sometimes be a bona fide job related qualification" (Faultfinder, 1980). Ronald Reagan and George H. W.

Bush campaigned for the presidency on opposition to affirmative-action "quotas." President Reagan spoke out against affirmative action's numerical goals and quotas, and this opposition became one of the cornerstones of his public policy agenda on issues affecting African Americans. Whether voluntarily or pursuant to court orders, to achieve desegregation in public

primary and secondary schools formerly subject to state-imposed racial segregation, school officials have expressly mandated numerical goals, ratios, and quotas for faculty hiring and pupil enrollment.

At some schools, voluntary affirmative action has meant allocating financial resources to recruiting and retaining minority students with special scholarships, curricula, and social programs. At others, it has also meant admissions procedures that De-emphasize standardized test scores and other traditional qualifications. Some colleges and universities have adopted legally controversial minority admissions quotas or diversity criteria aimed at enrolling a representative percentage of nonwhite students each year.