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Alyssa McCarthyMr. HawleyContemporary World IssuesAffirmative Action Since 1960

The word " racism" is typically associated with words such as " hate", " segregation", and " prejudice" (Kennedy para 16). However, affirmative action changed all that. Now discrimination is quieter, subtler, hidden behind poor justifications and thin excuses (Kennedy para 19). But in order to understand the why, the key is to know the how. While once designed to help the African-Americans, anti-discrimination today is used to protect people of all ages, genders, race and sexuality (Sowell 116). The " equal opportunity employer" phrase that we hear so often today originated in the 1960's, as President Johnson pushed for exactly that—an equal opportunity for blacks and whites (Sowell 120). Affirmative Action, or anti-discrimination, first pushed in the 1960's, is still a vital part of America today. 1960 America featured a young Democrat by the name of John F. Kennedy leading the nation, with a new and absurd policy-civil rights (Katznelson 9). The Civil Rights movement, which publicly began with the Montgomery Bus Boycott, was led by a young African American preacher— Martin Luther King Jr. (Katznelson 14). With JFK's assassination in 1963, Lyndon B. Johnson became President of the United States. Johnson also had a pro civil rights policy, and because of him, the Civil Rights Act of 1964 was passed (Katznelson 10). In order to understand the concept of affirmative action, you must first understand the Civil Rights Act of 1964. Affirmative Action is based upon the passing and enforcement of this act (Sowell 122). The Civil Rights Act accomplished many things within itself, including giving a solid definition of the word " discrimination" as any intentional separation between one employee and other employees, prohibiting quotas and group preferences, and most importantly, mandating equal rights for individuals

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(Sowell 122). All of these were revolutionary steps for America to take. The bill had many supporters in Congress, who assured the opposers that this act strived only for fair and equal treatment, and in no way demanded or even requested preferential treatment of a specific person or group of persons in the workplace (Sowell 123). The phrase "affirmative action" itself has been debated upon. The concepts of anti-discrimination and equal rights for all citizens are generally known to be synonymous with the phrase "affirmative action" (Sowell 124). Some might say, however, that in order for anyone to be taking affirmative action, there must be a voluntary effort to take the action itself, whether this be simply informing employees of the new laws and regulations, or even t to help these employees prepare for opportunities they may have now (Sowell 125). First used by John Kennedy in 1961, Kennedy declared that all employers should "take affirmative action to ensure that the applicants are employed, and that employees are treated during employment, without regard to their race, creed, color or national origin" (Sowell 124). This referred to Executive Order No. 10,925, one of the many Executive Orders passed during the Civil Rights era. This statement, like many made during this era, was asking employers simply to "hire and promote without regard to group membership—and make that fact clear to all" (Sowell 125). Between 1963 and 1969, affirmative action "moved from obscurity to become the single most federal policy for dealing with employment discrimination" (Katznelson 11). First acknowledged by Lyndon B Johnson's attempt to help the African-American side of America's economy (Katznelson 12). Because of the Civil Rights movement, jobs for African-Americans were few and far-between. This causes severe poverty in the black sections of cities, which was noticeably different than their white

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counterparts (Katznelson 12-13). The ghettos were regarded as extremely dangerous and disgusting, and Johnson knew something must be done." At the heart...was a methodical, reasoned, diagnostic core that not only described the grim economic circumstances in black America but offered an analysis of their underlying causes. Johnson focused...on the depths of racism and the decay of the traditional black family because he wished to do more than describe...distress. His quest...was impelled by the desire that black disadvantage ' must be overcome, if we are ever to reach the time when the only difference between Negroes and whites is the color of their skin.'" (Katznelson 13). This quote eloquently describes Johnson's first major pro-civil rights speech. African-Americans were thrilled by Johnson's stance on black poverty and civil rights in general. Johnson brought a sense of hope back to the poor and dissatisfied African-American community (Katznelson 12-13). Since World War II, the African-American economy was already on a downgrade (Katznelson 14). During the war, many blacks lost their jobs because there were whites that needed them (Katznelson 14). Johnson realized that the African-American economy had never truly recovered from this, and in a famous keynote speech at Howard University, outlined these " facts of American failure" (Katznelson 15). These facts included shocking revelations, such as the fact that the unemployment rate for blacks was twice as high as it was for whites, and nearly 25% of African-Americans were out of work at some point during the years 1955, 1956 and 1957 (Katznelson 15-16). Johnson also noted how poverty forced the African-Americans to migrate further into the city and live in the ghettos (Katznelson 16). Johnson claimed that blacks were trapped in an " inherited, gateless poverty" (Katznelson 17). " Unfortunately, racial discrimination has contributed

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historically to blacks having lower incomes than whites" (Sowell 118).

Because nothing was done to improve the living and working conditions of blacks, their children were never be able to get an education or have a safe home, which began a vicious cycle (Katznelson 17). Something Johnson realized, and perhaps he was before his time, was the idea of " racial kinship" (Katznelson 16-17). This kinship among races is much stronger in African-Americans than any other race, which is understandable. Researcher Alexander Crummell once said, " race feeling, like the family feeling, is of divine origin," meaning that this feeling is born with you, and not learned (Kennedy para 7). The feeling is strengthened as you age, and is passed down from generation to generation (Kennedy para 7). As much as the subject is avoided, subconsciously most people have a sort of " racial affection" for those who share the same race (Kennedy para 2). African-Americans may feel a type of kinship with other African-Americans, and likewise with other races. While this may seem judgmental or prejudice, the fact is subconscious choices like this can cost people raises, jobs, or even their lives (Kennedy para 2). Whites have always been top dog, at least in modern day times. Whites were always the ones to discriminate against all other races (Katznelson 18). Because of this, there is little to no racial kinship among whites (Kennedy para 9). When whites use the word " community", we mean our close-knit circle of friends, family, acquaintances, etc. The African-American community is mutually understood to be every African-American in the area (Kennedy para 11). Johnson understood this relationship, and used it to the best of his abilities (Kennedy para 15).

Johnson was the first President to really push the issue of affirmative action.

Despite the passing of the Civil Rights Act, Southern Democrats, who held

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the majority in both Houses of Congress, found ways around the act (Katznelson 22). Congress passed anti-discrimination laws for many professions, but specifically left out jobs such as farmhands and maids, which were jobs that the vast majority of southern blacks worked at the time (Katznelson 23). The jobs that did have anti-discrimination laws were enforced by the discriminatory southern law enforcement, which did a poor job of enforcing them, on purpose (Katznelson 23-24). When this was not enough, Congress sought to remove anti-discrimination laws from welfare programs, education programs, and hospital services (Katznelson 24)." As a consequence, at the very moment when a wide array of public policies was providing most white Americans with valuable tools to advance their social welfare—insure their old age, get good jobs, acquire economic security, build assets, and gain middle-class status—most black Americans were left behind or left out" (Katznelson 23). Affirmative Action was created exactly for this purpose. " Public policy is used to compensate members of a deprived group for prior losses and for gains unfairly achieved by others that resulted from prior governmental action." (Katznelson 149). Affirmative action supporters claim that instead of striving for anti-discrimination, affirmative action attempts to make our nation color-blind, hoping for a time when people are judged by their character instead of their color (Katznelson 150). In today's time, the policies once designed to help blacks, now cover almost the entire American population (Sowell 116). The idea of allowing employers to expressly discriminate because of age, gender, race, or even sexuality is appalling to most Americans today, and rightfully so (Sowell 114). Because of the Civil Rights Act, and the push of affirmative action by President Johnson, the number of blacks in professional careers increased dramatically in the

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few years after the Act was passed (Sowell 119). In the 1970's, during the Nixon Presidency, affirmative action became more quantitative (Sowell 126). Despite both Kennedy and Johnson's best efforts, they did not get the results they hoped for (Sowell 126). Nixon hoped to see an increase in both minority workers, as well as women (Sowell 126). Employers were told to confess the under-utilization of minorities, and to adjust their numbers accordingly. The number of minority workers was mandated to be a reasonable percentage of all workers (Sowell 126). Because of the way this was set up, the employers were now responsible for their own " goals" (Sowell 126). Interestingly enough, because of the emphasis the Johnson Administration put on not using the word " quota", the Nixon Administration was careful to call them " goals", although they were essentially the same thing (Sowell 126). The Supreme Court has heard several anti-discrimination cases since 1960. While many focus on unlawful hiring, firings, or promotions, some may include institutions of higher learning (Sander 390). While undertaking these cases, the Court has noted that admissions offices, especially those of law schools, keep detailed records of the number of minority students, especially blacks, Hispanics, and Native Americans who apply (Sander 391). They also noted these students received virtual " points" on their applications (Sander 391). This basically meant if it came down to two similar applicants, a minority was more likely to be chosen (Sander 392). The Court has ruled this illegal multiple times (Sander 392). However, using a more selective admission process and conducting an " individualized investigation" of each applicant, including race, family background and high school or college transcripts is permissible, as long as the selection process does not change from applicant to applicant (Sander 391-392). The Chief Justice on one such case declared <https://assignbuster.com/the-contemporary-world-issues-history-essay/>

that changing admission standards based on race, age, gender or sexuality was also blatantly illegal (Sander 392). The Supreme Court has often ruled that racial quotas are unconstitutional as well (Sander 393). A racial quota is when an employer, school or organization sets the amount or percentage of applicants or persons of a race (Sander 393). For example, if a law school has a quota to fill of 15% African-American enrollment, a usually admissible white may be denied their rightful spot because of the desire to fill their quota (Sander 393). While a mix of races and people is good for any school, organization, or employer, limiting the amount of a certain race is clearly wrong (Sander 392-393). Clearly the best way to choose an applicant for a position would be to use the applicant's skills and credentials and choose the most qualified applicant (Sander 394). However, many question how such choices are made, specifically targeting college admissions officers with these statements (Sander 394). Many wonder how much grades, test scores, and extra-curricular are really considered once received by the admissions officer (Sander 394). One of the most publicized affirmative action cases in recent history concerns firefighters, and their right to promotions. In the example of Ricci v. DeStefano, both Caucasian and Hispanic firefighters sued the city of New Haven, Connecticut for reverse discrimination (Richey para 2). The firefighters were given an exam, with promotions pending on the results (Richey para 2-3). No African-Americans received high enough scores to merit a promotion, so the test and all the results were thrown out entirely (Richey para 4). However, there were both Whites and Hispanics who did score high enough, but did not receive promotions (Richey para 5). Because promotions were rare, this test was vital for the firefighters to pass, causing some men to study hours a day, and spend their own money on testing

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materials (Richey para 13). Officials claimed they feared retaliation from African-Americans if they promoted the Whites and Hispanics, despite their more impressive test scores (Richey para 3). "Petitioners ask nothing more than the basic American right to be judged by who they are and what they have accomplished, not by the color of their skin" (Richey para 12). Ironically, they instead received a reverse discrimination case (Ricci 6). Title VII of the Civil Rights Act clearly prohibits hiring, firing or promoting based on race, and prosecutors claimed that by throwing out the test results, they were denying promotions, simply because of the color of their skin (Richey para 6). The Supreme Court claimed that the city officials were in clear violation of this by throwing out the test results (Ricci 2). The case first appeared in the courts in 2004, and ended up in the United States Supreme Court in 2009 (Ricci 1). The Court ruled in favor of the firefighters, 5-4, citing that the city officials did not have justification to throw out the test results (Ricci 12). This case is a modern day version of affirmative action, and shows that this issue is still very relevant today. Affirmative Action, or anti-discrimination, first pushed in the 1960's, is still a vital part of America today. While America may be far removed from the times of the Montgomery Buss Boycott and the March on Washington, discrimination is far from over in this country (Katznelson 57). Affirmative Action is an important part of our nation's history, and if we understand what was done, and more importantly, why, then we will be able to ensure that history does not repeat itself.