

# Affirmative action assignment

[History](#)



The Fourteenth Amendment outlaws racial discrimination. Racial quotas and preferences are and by definition, racial discrimination. Racial quotas are considered unconstitutional by the U. S. Supreme Court. Universities across the United States had already been admitting blacks for years. But they found that relatively few blacks had the test scores and high school records that are normally required for admission. So they instituted affirmative action, an alternative for racial quotas and preferences. In time, Hispanics were added to the list anomalously.

The state of Texas replaced affirmative action plan with a percentage plan that guarantees the top of high-school graduates a spot in any state university in Texas. California and Florida have similar programs. Affirmative action arose out of a desire to bring minority groups into institutions and professions that had traditionally been dominated by white males. Because of affirmative action, someone from a minority may beat or take the spot of someone more capable, simply because of their race or gender. Affirmative action is reverse discrimination. It seems unfair to judge college applicants on anything other than their merits.

Affirmative action is the definition of reverse discrimination. Reverse discrimination is defined as the question of whether a person who is not of a minority race may be disadvantaged by preference given by official action to others on the basis of race alone. The discrimination from the past against minority groups doesn't make it okay for the discrimination of non-minority groups today. According to United States law all men are created equal. With affirmative action, they say it gives more of an equal opportunity for people

applying for college, but does it really give equal opportunities if colleges have certain call preferences?

Why should a student's race have to be a heavily weighted factor in college admissions? Affirmative action undermines true minority achievements'. This would mean crediting the success to itself. On a completely different spectrum, affirmative action makes it easier for some members of some groups to get into college and harder for others. However, the purpose of affirmative action is to increase the admission rates of minorities that are under-represented in our nation's colleges. Affirmative action has allowed for fair evaluation of candidates by making up for social inequalities.

Diversity in college's student bodies creates better learning environments for students. Affirmative action is a way to guarantee that diversity among college admissions is maintained. Using this method gives chances to disadvantaged people from areas where there aren't a lot of opportunities where they can use their potential. Affirmative Action will definitely improve the opportunities of a minority student applying at an elite university, but it will not be the deciding factor.

Minorities tend to be at a disadvantage in income and education opportunities, therefore, affirmative action is the opportunity some minorities are looking for. So, in conclusion, my opinion would be that state voters should be able to vote on whether or not to keep affirmative action in college admissions. Today if you are a minority prove that you can go to the college you want without the help of affirmative action. Prove that you don't need affirmative action to excel in your desired career. To allow state voters

to decide on whether on affirmative action in college admissions is the best choice.

Essay Set II - Hobby Lobby Lawsuit In the summer case of Hobby Lobby it pitted religious freedom of company owners against a right to privacy of employees. Despite each very persuasive argument of the Hobby Lobby, Christian book store *Marvel* and *Conestoga Wood Specialties* case, the line which the Supreme Court drew appears to be plausible. In argument the court talked about two arguments, which were treated as one ninety-minute argument. The two cases were filed by two extremely religious families and their businesses.

The Affordable Care Act regulates that companies are to provide their female employees with twenty different forms of non-cost birth control. With the two families being deeply religious, they durably objected to four forms of birth control, which were two brands of the "morning after" pills and two different kinds of intrauterine devices or better known as IUDs. The Hobby Lobby/*Marvel* and *Conestoga* families believe life begins at the action of conceiving a child. Therefore, the families believe that by providing these four forms of birth control they are involving themselves with abortion.

The companies and families went to court arguing that by the Affordable Care Act requiring them to provide birth control; they are violating the Religious Freedom Restoration Act. In 1993 that law was passed in reaction to a 1990 Supreme Court decision holding that an individual's religious beliefs do not excuse them from having to comply with a law that applies for everyone. The government can't inflict a significant load on the exercise of

religion unless the load uses the limited possible way to advocate a very important appeal in the government.

Justice Sonia Sotomayor made the point that if Hobby Lobby won the case could other companies decline to cover other medical procedures? Former Solicitor General Paul Clement responded that with any procedure employers refuse to do on religious grounds could be reviewed under the RAFF substantial burden test. They argued that because the government excused other employers such as non-profit groups and churches from having to comply with the regulations, this reveals that the government interest in having Hobby Lobby follow through with the directive isn't very significant.

Kananga wasn't very happy with Clement, she lamented that, if every medical treatment to which someone objects must be evaluated on a case-by-case basis," everything would be piecemeal, nothing would be uniform. " The RAFF as an uncontroversial law when congress enacted it. Congress did not expect the law to apply to for-profit corporations, allowing them to seek religious exemptions. Hobby Lobby and Marvel would be subject to paying \$2, 000 penalty for each employee for not providing insurance, which would in the long run come out to be cheaper, than to actually pay to get insurance for each employee.

If the companies were to do this, substantial burden would no longer exist for the company. Employees could purchase their own insurance, but Hobby Lobby countered that then they wouldn't attract as many workers by doing so. A decision in favor of Hobby Lobby it would have sweeping effects on the RAFF. Ruling in favor of Hobby Lobby would bring forth many other religious

objectors. Verily argued whether a company is a “ person” that can “ exercise religion. Chief Justice suggested the court could limit its decision in this case to whether corporations like Hobby Lobby, Marvel, and Conestoga, who are owned by families, would have to comply with the mandate, without deciding if other biblically owned companies could do the same. The Justices pointed out that the government has, for many reasons, declined to require other employers, such as churches, non-profit and also for-profit companies whose health insurance plans were grandfathered in, to comply with the mandate. Doing so would undermine the government’s argument regarding the mandate’s importance.

Although Kennedy’s other comments and questions suggested his vote might be in play, any hope of that faded when towards the end of Overspill’s argument Ken needy told Verily under the government’s view case, a for-profit corporation like Hobby Lobby could also be required to pay for insurance that would cover abortions. On the side in favor of Hobby Lobby, Marvel and Conestoga, they might say hey ultimately obtain the right to fight this case, on grounds of the first amendment. These rights are the Freedom of Religion, Assembly, Press, Petition and Speech.

They might argue they are only exercising their freedom of religion, which may seem like a valid argument because their religion obviously doesn’t support adultery or fornication. On the side against Hobby Lobby, Marvel and Conestoga they may say there’s no harm in providing the contraceptives, especially because they aren’t in control Of their employees. What their employees do on their spare time is entirely up to them does that mean thy

are going to fire them because they do not support their bosses religious beliefs.

In the Satanist case, I feel that the court should rule that it is not required to receive counseling before abortion. If the woman caring the baby is indecisive then they may ask for counseling. I feel if they want counseling it should be provided, not required. Extra Credit: Sweat v. Painter May 1946  
Humane Marion Sweat was an African-American mail carrier from Houston, Texas. Sweat obtained all the requirements to attend The University of Texas, except for the act that he was black. Sweat presented his college transcripts to Painter and asked for admission to the law school.

Painter said that the school couldn't officially accept the transcript for consideration, but that he would seek counsel from the state's attorney general. The attorney general upheld the constitutionality of segregation in education, but added that if separate but equal facilities could not be provided, Sweat must be admitted to its law school. In May of 1946, Sweat filed a case against Painter and the university in the county court. Thorough Marshall would be one of the lawyers representing him. Marshall built a case around the idea of intangibles.