

# History and Status of Affirmative Action

## Why Affirmative Action

By Aldon Morris

American society was founded on the principle of equality. The Declaration of Independence declared that "we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." This is one of the most profound statements regarding human equality ever written. Yet there has always been a huge gap between American principles and what it actually practices. This has been especially true in regards to Blacks. Enslavement of Afro-Americans had already taken root by the time the Declaration of Independence and the U.S. Constitution were written. Some "founding fathers" including George Washington, James Madison, and Thomas Jefferson owned slaves at

the federal government established the Equal Employment Opportunity Commission (EEOC) whose purpose was to investigate and resolve complaints of discrimination and initiate suits against guilty employers. If discrimination was proven, the government could deny or terminate any federal funds to such employers. But it soon became clear that these limited measures would not correct the problem.

President Johnson responded by issuing Executive Order 11246 in 1965 which called for employers to take Affirmative Action. This meant that employers had to make extra efforts to recruit, hire, and promote minorities so that they could bring the number of minorities in their work force up to the percent of minorities in the local community. Nevertheless, Executive Order 11246 did not go far enough because it relied on the good faith efforts of employers to implement affirmative action. Under the Nixon Administration in 1972, several Amendments were made that strengthened Affirmative Action. A key amendment required that employers keep records of their hiring practices and of the racial and gender composition of their labor force. Based on these data employers could determine whether they were overtly or covertly discriminating against minorities and women. Drawing on such data, employers were to establish Affirmative Action goals, targets, and timetables geared toward correcting the obvious results of employment discrimination. In short, Affirmative Action called for developing concrete action plans which could be scrutinized by employers and the government. This measure had substance because it stipulated that no government contract could be withheld, denied terminated, or suspended in which a contractor had an affirmative plan unless the employer had deviated substantially from that plan. These measures were extended to educational institutions and had relevancy for minority businesses desiring to receive federal contracts. In the early 1970s it appeared as if the nation was headed in the right direction toward solving serious racial inequality rooted throughout the occupational and educational structures of this country.

### Outcomes and Setbacks

Today, Affirmative Action is under serious attack by the Reagan Administration. An objective analysis of Affirmative Action reveals that it did reduce some of the discrimination painfully experienced by the black community. For example, Lorenzo Morris, in a study on the plight of Black Americans in higher education found that "more black Ph.D.'s in virtually every major field graduated between 1974 and 1977 than had ever graduated in American history." Edmund Newton in *Black Enterprise* points out that when Coleman Young became Mayor of Detroit in



the very time they wrote those magnificent words proclaiming freedom for humankind. The constitution itself maintained that Blacks were only three-fifths of a person.

Therefore, from the very beginning, Blacks were denied equal opportunity in the United States. Black slavery lasted for nearly two hundred and fifty years. Shortly after slavery was abolished, Blacks were confronted with another system of inequality — legally enforced racial segregation known as Jim Crow. Racial segregation applied to every aspect of Black life. The law required that Blacks attend separate schools, ride in the back section of public buses, go to the back door of restaurants, use different bathrooms, and the like. Blacks were disenfranchised politically because they could not vote nor did they serve as judges and jurors. In fact, racial segregation denied Blacks due process of law. Jim Crow also shaped the economic life of the Black community. A Jim Crow work force developed. There were "Black" and "White" jobs. Blacks became the sharecroppers, porters, janitors, cooks, maids, domestic servants, and unskilled laborers. Thus, Blacks were crowded into the bottom of the American occupational structure where the pay was low and the work difficult and dirty. Such jobs did not lead to promotions or advancement. Blacks who wanted to burst out of these dead-in jobs could only aspire to become a Black preacher, teacher, undertaker, doctor, or lawyer. But even here only a few slots were available.

For over three hundred and fifty years, Blacks were crippled by a system that was separate and highly unequal. This oppression was backed by white domination consisting of both legal and violent repressions. Lynching was a favorite tool used to keep Blacks in "their place." **Between 1882 and 1956 at least 3,440 Blacks were lynched.** Moreover, the system of racial segregation was backed by the highest legal authority of the land — the Supreme Court. The Court, in 1896, ruled in the Plessy v Ferguson case that separate but equal did not violate the U.S. Constitution. Clearly the Supreme Court went on record backing a system of racial segregation that was in fact separate but unequal.

Past and continuing discrimination has had a devastating affect on the Black community. In the 1980s Blacks are still disproportionately crowded at the bottom of the occupational ladder. Black family income is still less than sixty percent of white family income. Blacks are still more than twice as likely to be unemployed as whites. Blacks are still grossly underrepresented at major colleges and universities at both the student and faculty levels. Therefore, the future for Black America is uncertain at best. Affirmative Action was a measure implemented by the federal government to address Black inequality that resulted from tragic proportions of past discrimination and continuing racism deeply rooted in the very fabric of our institutions and daily habits. But why did "affirmative action" come into being in the first place?

### Origins of Affirmative Action

Affirmative Action resulted from a powerful and creative struggle known as the civil rights movement. This mass movement attacked black inequality and racial segregation at the core. It mobilized thousands of ordinary and extraordinary Black people who decided to take a clear-cut stand for equality and dignity. These freedom fighters made countless sacrifices by confronting the Ku Klux Klan, White Citizens Councils, local Southern governments, established laws, and the "Bull Connors." Children, students, and adults, along with the elderly shook off apathy and caution as they became disciplined workers in a movement for freedom anchored on a solid rock — the Black Church.

The 1963 Birmingham, Alabama confrontation led by Dr. Martin Luther King, Jr. and Reverend Fred Shuttlesworth was the key force that generated the 1964 Civil Rights Act from which the idea of Affirmative Action emerged. In the historic battle at Birmingham, demonstrators were attacked by vicious dogs, high pressure water hoses, billy club swinging policemen, and a legal system dedicated to maintaining racial segregation. Yet, on every day between April 3rd and May 10, Blacks demonstrated, sat-in, marched, and went to jail by the thousands while singing "We Shall Overcome" and other Black spirituals. This movement generated such pressure that the racist power holders of Birmingham were forced to concede to the demands of the movement. But Dr. King and the Freedom Fighters were after more than concessions from local Birmingham authorities. They wanted a National Civil Rights Bill from President Kennedy and the federal government that would outlaw all forms of racial inequality.

The movement in Birmingham was so beautifully organized and effective that it generated protest movements throughout the nation. By the end of 1963, protest had spread from Birmingham to at least 800 cities. John Kennedy, shocked by widespread demonstrations, declared that it was a time to act. On June 19, 1963, Kennedy sent what was to become the 1964 Civil Rights Bill to Congress. President Johnson signed the bill into law on July 2, 1964. It is beyond a doubt, then, that Affirmative Action came as a result of political struggle and sacrifice by the Black masses and concerned White citizens rather than descending from a benevolent government.

### Intent of Affirmative Action

The 1964 Civil Rights Act banned all forms of discrimination based on race, color, religion, sex, or national origin. Titles VI and VII of this bill specifically addressed discrimination in employment. These measures were based on the knowledge that rampant racial discrimination existed in terms of employment. Indeed, because of their conspicuous absence in many jobs, it was clear that members of minority groups were being discriminated against in both federal agencies and the private sector. One intent of the 1964 Act was to correct this discrimination. Thus,

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