Civil Rights and Affirmative Action in Education

Grade Levels
This lesson is appropriate for 9-11th grade American history classes.

Time Frame
This lesson takes 2 days of 1 hr block classes.

Links to Massachusetts History and Social Studies Frameworks
USII.9 Analyze the post-Civil War struggles of African Americans and women to gain basic civil rights. (H)  
A. W.E.B. Du Bois  
B. Marcus Garvey  
C. the National Association for the Advancement of Colored People (NAACP)  
D. Alice Paul  
E. Booker T. Washington  
USII.25 Analyze the origins, goals, and key events of the Civil Rights movement. (H)  
People  
A. Robert Kennedy  
B. Martin Luther King, Jr.  
C. Thurgood Marshall  
D. Rosa Parks  
E. Malcolm X  
Events  
A. Brown v. Board of Education (1954)  
B. the 1955-1956 Montgomery Bus Boycott  
C. the 1957-1958 Little Rock School Crisis  
D. the sit-ins and freedom rides of the early 1960s  
E. the 1963 civil rights protest in Birmingham  
F. the 1963 March on Washington  
G. the 1965 civil rights protest in Selma  
H. the 1968 assassination of Martin Luther King, Jr.  
USII.26 Describe the accomplishments of the civil rights movement. (H, E)  
A. the 1964 Civil Rights Act and the 1965 Voting Rights Act  
B. the growth of the African American middle class, increased political power, and declining rates of African American poverty

Essential Objectives
- Students will understand the chief historical events in the racial integration of schools in America.  
- Students will begin to understand the different reasons why some people opposed and others promoted racial integration in Boston schools.  
- Students will understand the relationship between the Little Rock crisis and the Boston Busing situation.  
- Students will create a basic timeline of the history of affirmative action.  
- Students will read and interpret a contemporary article about affirmative action scholarships.
Students will draw upon information they have learned about the civil rights movement, from its origins to the present day, in order to intelligently debate about present day race relations.

Using information they have learned, students will be able to debate both sides of affirmative action its modern context.

**Essential Questions**

What are the key dates and events of the civil rights movement?
Does racism exist in our school? Where?
In what ways are we all somewhat racist? How can we begin to confront our prejudices?
What is affirmative action? Why does it exist?
Why does our school lack diversity?
How does the lack of diversity in our school affect our perceptions of affirmative action?
Why does our country still have so much racial tension?

**Procedure**

*This lesson is intended to be a part of a larger Civil Rights unit, and may fit best near the end of the unit. It offers students an opportunity to reflect on how the Civil Rights movement is an ongoing process that they are very much a part of, and that centuries of oppression cannot be rectified in a single decade. Hopefully, students will be able to understand that they are still living in an unequal system that is attempting to create a more equitable society.*

**DAY 1**

**Introductory Activities:**
After spending some time in this unit outlining the key events in the Civil Rights movement, students should be able to intelligently answer the following questions. To begin this two-day lesson, ask the students to spend 5-10 minutes thinking about and writing answers to the following questions on the board:

1) How has the Civil Rights movement improved American society?
2) What challenges still face us today with regard to race relations?
3) Does racism exist at our school, and if so, where do you see it?
4) Can racism exist even if you don’t overtly see it? When?

Explain to the students that during the following two days, we will be exploring how the Civil Rights movement and racism affects students’ lives. The first day will be spent reviewing the key moments of desegregating schools across the country, including Boston. Homework will be to prepare for the debate on the following day. At the end of this two day lesson, students will know the key moments in school desegregation, what affirmative action is, how it works, and why it exists. Hopefully, students will also have a better understanding of the prejudices that they have unwittingly gained from society.

**Developmental Activities:**
1. Direct instruction/lecture:
Cover the following key events with the students.

- **May 17, 1954 - Brown v. Board of Education** – Supreme Court rules that segregation in public schools is unconstitutional, overturning *Plessy v. Ferguson*.
- **Sept 1957 –** 9 black students are blocked from entering Central H.S. in Little Rock, AR by order of the Governor of AR. Eisenhower sends in troops to intervene on behalf of the students.
- **Feb. 1960 –** Student “sit-ins” begin in a N.C. Woolworth’s, and although the black students are not given service, they are allowed to stay. Non-violent protests continue throughout the country.
- **April 1960 –** SNCC is formed in Raleigh, NC, giving black students a place in the Civil Rights movement.
- **May 1961 –** CORE begins sending student volunteers on “freedom rides” to test new laws prohibiting segregation in interstate travel facilities. Violence breaks out when a mob in AL sets a bus on fire.
- **Oct 1, 1961 –** James Meredith becomes the first black student to enroll at the U. of Mississippi. Violence breaks out and Kennedy sends in 5,000 troops.
- **July, 1964 –** Johnson signs the Civil Rights Act of 1964, prohibiting discrimination of all kinds, and provides the Federal Government with powers to enforce desegregation.
- **Sept. 1965 –** Johnson issues Executive Order 11246, which enforces affirmative action for the first time. It requires government contractors to “take affirmative action” toward prospective minority employees. That is, if faced with a decision to hire two equally qualified individuals, the minority is to be hired first.
- **April 20, 1971 –** Supreme Court upholds busing as a legitimate means for achieving integration in *Swann v. Charlotte-Mecklenburg Board of Education*. Court ordered plans begin in Charlotte, Boston and Denver.

2. Social Instruction:
Help students construct a timeline of the civil rights events that concerned education that you just covered. Students may work in groups to complete the timeline using the notes that they took. If necessary, create a timeline on the board as a model for the students.

**Closing Activities:**

Close the class by reviewing the material covered, and introducing the concept of affirmative action. Be sure the students understand the concept and reasoning for this piece of legislation before ending the class. For homework, have students read and take notes on the article by Tim Wise entitled: *Op-Ed: A Particularly Cheap White Whine: Racism, Scholarships and the Manufacturing of White Victimhood* (attached at the end of this lesson) Students should begin to think over the following question: Should affirmative action policies, which give preferential treatment based on minority status, be eliminated?

**DAY 2**

**Introductory Activities:**
Begin the class with a question on the board for students to answer: How does affirmative action affect you? Is this OK? Why, why not?

**Developmental Activities:**

**Social Instruction:**

1. Break students up into small groups and have them discuss the following question: Should affirmative action policies, which give preferential treatment based on minority status, be eliminated? Have the groups create a chart outlining the pros and cons of affirmative action. Some of the charts may look like this:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Affirmative action leads to reverse discrimination.</td>
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<td>5. It is condescending to minorities to say they need affirmative action to succeed.</td>
<td>5. Affirmative action is needed to compensate minorities for centuries of slavery or oppression.</td>
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<td>6. It demeans true minority achievement; i.e. success is labeled as result of affirmative action rather than hard work and ability.</td>
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2. Have students return to their normal seating plan and begin a large group discussion about Wise’s article, and the affirmative action debate. Direct the conversation/informal debate to ensure that both sides of the debate are given equal weight. In schools which have less diversity, you may find that if you as the teacher takes one view and students are required to take the opposing view, students may gain more insight into their own predispositions on the topic.

**Closing Activities:**

Ask students to revisit the following questions, and guide a discussion on the following questions:

Does racism exist in our school? Where?

In what ways are we all somewhat racist? How can we begin to confront our prejudices?
Why does our school lack diversity?
How does the lack of diversity in our school affect our perceptions of affirmative action?
How might affirmative action affect you in applying to college?

Links to UEH Seminar
This lesson is derived from ideas and opinions in the discussion during the December 5th seminar, “Integration: Little Rock, Ole Miss and Boston Busing.” During the seminar, I was constantly thinking about how little diversity there is in our high school, and how I could get my students to begin thinking about how the Civil Rights movement relates to them personally. I have found that many students already have a strong opinion about affirmative action, and that their misguided feelings of “entitlement,” and the “unfairness of affirmative action” are frighteningly linked to centuries of a white hegemony. Hopefully this lesson will begin to open their minds to understanding the historical reasons for legislation like affirmative action.

Assessment
Students will hand in and be graded on the civil rights timeline, the group work (pros and cons of affirmative action) and informally assessed on participation in the discussion. The teacher can use a roster and give points to students who participate orally.

Citations


Consider a few things that have happened in the past month-and-a-half, in no particular order: First, comedian Michael Richards goes on a racist tirade at an L.A. comedy club, screaming the n-word at two black audience members, over and again for several minutes. Then, white students at four entirely different colleges dress up in blackface or throw "ghetto" parties, at which they mock low-income African Americans; next, a group of Muslim clerics are thrown off a plane because passengers get nervous after seeing them engaged in evening prayers prior to boarding their flight; and finally, New York police fire fifty shots at a group of unarmed black men, for no apparent reason, killing one who was due to be married the next day.

Oh, and then there is this: in spite of the above-mentioned events, the President of the College Republicans at Boston University, announces that race-based scholarships for people of color are the "worst form of bigotry confronting America today," demonstrating the desperate need for BU to require a course in "Getting Some Perspective, 101," for all incoming first-year students.

In response to this most horrible of racist practices, the campus GOP has announced its plans to offer a "Caucasian Achievement and Recognition Scholarship" for deserving white students. According to the head of the group, the scholarship is not being offered to help whites, per se, but rather, to point out the unfairness and immorality of "racial preferences" in American society. Merit, rather than race, should determine scholarships, they insist.

Yet upon close examination--indeed, even a cursory one for that matter--it becomes apparent that the arguments made against race-based scholarships, whether at BU or elsewhere, fail to demonstrate even the most rudimentary flirtation with intellectual honesty.

To begin with, and to place things in some perspective before getting into a larger philosophical discourse about race-based scholarships on principle, a few things should be noted. First, although white students often think that so-called minority scholarships are a substantial drain on financial aid resources that would otherwise be available to them, nothing could be further from the truth. According to a national study by the General Accounting Office, less than four percent of scholarship money in the U.S. is represented by awards that consider race as a factor at all, while only 0.25 percent (that's one quarter of one percent for the math challenged) of all undergrad scholarship dollars come from awards that are restricted to persons of color alone. In other words, whites are fully capable of competing for and receiving any of the other monies--roughly 99.75 percent of all the bucks out there for college. But apparently, that's just not good enough for the likes of the BU Republicans. One quarter of one percent of all scholarship money, and yet that is the "worst form of bigotry confronting America today." The suggestion would be laughable were it not so sad; so indicative of a fundamental break with the ability to think critically and logically about the world.

What's more, the idea that large numbers of students of color receive the benefits of race-based scholarships--something that is often supposed, usually with an unhealthy dose of white racial resentment--is also lunacy of the highest order. In truth, only 3.5 percent of college students of color receive any scholarship even partly based on race, suggesting that such programs remain a pathetically small piece of the financial aid picture in this country, irrespective of what a gaggle of reactionary white folks might believe.

The Myth of Meritocracy and the Reality of White Privilege

Additionally, to suggest that race-based scholarships are some unique and illegitimate break with an otherwise meritocratic system is preposterous. Fact is, there are plenty of scholarships that have nothing to do with merit per se, but about which conservatives say nothing: scholarships for people who are left-handed, or kids whose parents sell Tupperware, or the children of horse-breeders, or descendants of the signers of the Declaration of Independence, among many thousands of such awards. Apparently, it's OK to
ensure opportunity for members of these groups, despite the fact that none of them have faced systemic oppression before, but it's the height of immorality to do the same for students of color, who have indeed faced explicitly racial obstacles in their lives.

Interestingly, even the scholarship considered by most to be the very model of merit-based reward, is rigged in a way that subverts pure meritocracy. The National Merit Scholarship, which is awarded to 15,000 students each year, based on pre-SAT (or PSAT) score, is distributed proportionately to representatives of each state, so that each state has the same number of winners as they have a percentage of the nation's overall high school graduates. Because the quality of schools varies dramatically across states, average scores on the PSAT will also vary wildly, but students in Mississippi will always get their “fair share” even though many of them wouldn't have qualified had they attended school in a state like Massachusetts. Yet never have conservative defenders of the merit system complained about this arrangement: after all, most of the winners are white, and it helps out folks in the red states whose school systems lag far behind those in the blue states, so what's not to like?

Of course, on an even more basic level, to complain about so-called unfair preferences for students of color, be it in terms of scholarships or affirmative action policies in admissions, is to ignore the many ways in which the nation’s educational system provides unfair advantages to whites, from beginning to end.

It ignores the fact that the average white student in the U.S. attends school with half as many poor kids as the average black or Latino student, which in turn has a direct effect on performance, since attending a low-poverty school generally means having more resources available for direct instruction. Indeed, schools with high concentrations of students of color are 11-15 times more likely than mostly white schools to have high concentrations of student poverty.

It ignores the fact that white students are twice as likely as their African American or Latino counterparts to be taught by the most highly qualified teachers, and half as likely to have the least qualified instructors in class. This too directly benefits whites, as research suggests being taught by highly qualified teachers is one of the most important factors in school achievement.

It ignores the fact that whites are twice as likely to be placed in honors or advanced placement classes, relative to black students, and that even when academic performance would justify lower placement for whites and higher placement for blacks, it is the African American students who are disproportionately tracked low, and whites who are tracked higher. Indeed, schools serving mostly white students have three times as many honors or AP classes offered, per capita, as those serving mostly students of color.

To ignore this background context, and to award scholarships based solely on so-called merit, is to miss the ways in which the academic success and accomplishments of white students have been structured by unequal and preferential opportunity, and the ways in which students of color have been systematically denied the same opportunity to achieve. It is to compound the original injury and to extend white privilege at the point of admissions or financial aid awards, beyond the level to which it has already been operating in the lives of white students. In other words, to award scholarships on the basis of so-called merit, when merit itself has been accumulated due to an unfair head start, is to perpetuate a profound injustice. On the other hand, to offer scholarship monies to capable and high achieving students of color, who through no fault of their own have been restricted in their ability to accumulate “merit” to the same degree, is to ensure as equitable and fair a competition as possible, and to do justice in an otherwise unjust system.

But is it a Double-Standard? And is it Racist?

Despite the claim by the right that race-based scholarships amount to a double-standard (since scholarships for folks of color are considered legitimate, but white scholarships aren’t), in truth, the standard is simple: straightforward and singular: persons belonging to groups that have been systematically marginalized in this society, should have opportunities targeted to them, so as to allow for the development of their full potential which otherwise might be restricted by said marginalization. Special efforts to provide access and opportunity to such persons should be made, not because they are black, per se, or Latino, or whatever; but
because to be a person of color has *meant something* in this country, and continues to mean something, in terms of one's access to full and equal opportunity.

In effect, these are not scholarships based on race, but rather, scholarships based on a recognition of *racism* and how racism has shaped the opportunity structure in the U.S. Because race has been the basis for oppression, and continues to play such a large role in one's life chances, it is perfectly legitimate to then offer scholarships on the basis of that category which has triggered the oppression. If people of color have been denied opportunity because of their race, then why is it so hard to understand the validity of remediing that denial, and its modern day effects, by also making reference to their race? After all, *that* was the source of the injury, so why shouldn't it also be the source of the solution?

As for whether race-based scholarships for persons of color are inherently racist, the claim is absurd on the face of it, as is the notion that such efforts amount to bigotry (the position put forward by the BU Republicans). Bigotry is defined as "intolerance," and the behavior or attitude of someone who holds "blindly and intolerantly to a particular creed or opinion." Surely scholarships for people of color are not predicated on intolerance for whites, nor are they based on some kind of blind contempt for whites as a group. Rather they are rooted in the quite reasonable belief that people of color have been singled out for mistreatment on the basis of race, and thus, special efforts should be made to provide full opportunity to them, by taking account of the thing that had prompted the mistreatment in the first place. Even if one chooses to disagree with the premise that those who have been victimized should have special efforts made on their behalf, it would still be dishonest to claim such a premise was "intolerant."

As for racism, it is typically defined in two ways, both as ideology and practice. In terms of ideology, racism is the belief in the inherent superiority/inferiority of one race to another, while institutionally it refers to policies, practices or procedures that have the effect of perpetuating systemic inequalities between the races, and which deny persons of a particular race equal opportunity with those of other races.

Clearly, race-based scholarships pegged to people of color are not based on notions of racial superiority or innate difference. They are predicated only on the notion that there have been real differences in opportunity on the basis of race, and that these opportunity gaps should be remedied to the greatest extent possible. Secondly, such efforts also fail the test of institutional racism. Student of color scholarships do not perpetuate racial inequity—if anything they would have the effect of reducing it—nor do they prevent whites from enjoying equal opportunity. Indeed, without affirmative action efforts, in admissions and scholarships (and for that matter employment and contracting), whites would enjoy extra and unearned opportunity relative to people of color, thanks to pre-existing advantages to which we were never entitled in the first place. As such, to deny whites access to a miniscule percentage of financial aid awards is not to deny us access to anything to which we were morally entitled. We are "losing out," if you will, only on something to which we have no moral claim: namely, the ability to keep banking our privileges, and receiving the benefits (be they scholarships, college slots or jobs) of a system that has been skewed in our favor.

Since scholarships would have been more equitably distributed between the races in a system without a history of institutionalized discrimination—and to doubt this is to assume that folks of color *still* wouldn’t have qualified for them, which means that one would have to believe in inherent inferiority on their part, which belief is the textbook definition of racism—to now steer scholarships to such persons is only to create a situation closer to that which would have existed anyway, but for a legacy of racial oppression. Even if one disagrees with the philosophical argument here, to label such efforts racism makes no sense.

**Race-Based Scholarships as a Vital Tool for Equity**

If anything, American colleges and Universities should be offering *more* assistance to students of color than is currently the case, including so-called race-based scholarships. And the reason is simple: namely, ongoing economic disparities between whites and folks of color, have left the latter in far worse shape, in terms of the ability to pay for college, than the former. Black students are far more likely than white students to come from lower-income families, and in fact, at selective colleges and universities (which are typically among the most expensive in the country, and those where students are most likely to receive some form of
affirmative action), the average black student comes from a family with half the median income of the average white student. One fourth of blacks at selective colleges live in families that rent their homes or apartments, compared to only six percent of white student's families, and whereas one out of six black students at selective colleges has spent some portion of their lives on welfare, only one in twenty-five white students has spent time on public assistance.

This racial disparity in economic background--and which race-based scholarships seek to at least in part remedy--has significant ramifications for the likelihood of students completing college, since the families of black students are only one-third as likely as white families to be able to pay the entire cost of their child's education. On average, black student's families are only able to cover about forty-two percent of the cost of college at the nation's most selective schools, while white families are able to cover, on average, roughly seventy-four percent of the total cost.

And money differences such as these make a huge difference in terms of educational outcomes: studies have found that students from low-income families (who are disproportionately persons of color) are less likely to graduate from college than more affluent students, even when they are identically prepared in terms of having taken a vigorous high school curriculum and scored highly on standardized tests, with lower-income students at this level graduating at a rate of only sixty-two percent compared to eighty-five percent for similarly "qualified" affluent students. Even more telling, research data indicates that once economic status gaps between whites and blacks are fully accounted for, there is no statistically significant difference between white and black college graduation rates. This means that what gaps we see now can be fully explained by resource disparities, and suggests that financial assistance focused on that disparity would do much to close gaps in graduation and achievement between the two groups. On the other hand, in the absence of such "race-based" assistance, students of color would graduate in even smaller numbers, much to the detriment of equal opportunity.

However the College Republicans at Boston University may seek to spin it, make no mistake, the effort to end affirmative action, whether in terms of admissions or scholarships, will have an undeniable impact: it will mean fewer opportunities for students of color, irrespective of their true abilities; it will mean that even highly capable students will be locked out of opportunities, due solely to the disadvantages they have inherited due to racism. And it will mean that colleges will become increasingly populated with white students whose SAT scores might be mightily impressive, but whose moral and ethical compasses, to say nothing of their understanding of the real world, leave something just as mighty to be desired.
Should affirmative action policies, which give preferential treatment based on minority status, be eliminated?

In a Nutshell

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<th>Yes</th>
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Related Links

Overview/Background

Affirmative action generally means giving preferential treatment to minorities in admission to universities or employment in government & businesses. The policies were originally developed to correct decades of discrimination and to give disadvantaged
minorities a boost. The diversity of our current society as opposed to that of 50 years ago seem to indicate the programs have been a success. But now, many think the policies are no longer needed and that they lead to more problems than they solve.

One notable example is a case recently argued in the Supreme Court concerning admissions to the University of Michigan. The school had a policy of rating potential applicants on a point system. Being a minority student earned you more than twice as many points as achieving a perfect SAT score. Three white students sued citing this as raced-based discrimination. School officials said that diversity is desirable and affirmative action is the only way to achieve true diversity. Several other cases involving affirmative action have followed similar arguments.

The following sections explore the issue and show how things are much more complicated.

Yes

1. **Affirmative action leads to reverse discrimination.** Affirmative action is designed to end discrimination and unfair treatment of employees/students based on color, but it in effect does the opposite. Whites who work harder and/or are more qualified can be passed over strictly because they are white. Contrary to many stereotypes, many minorities fall into the middle or upper class, and many whites live in poverty. Unfortunately, the way things are set up now, a poverty-stricken white student who uses discipline and hard work to become the best he can be can be passed over by a rich minority student who doesn't put in much effort at all.

2. **Affirmative action lowers standards of accountability needed to push students or employees to perform better.** If a minority student can get into Harvard with a 3.2 grade-point average, why should she push herself to get a 4.0? Although some students or employees are self-motivated, most people need an extra push or incentive to do their very best. By setting lower standards for admission or hiring, we are lowering the level of accountability. We should reward hard work, discipline, and achievement; we shouldn't reward a student simply because he or she is a certain race, nor punish another student simply because he or she isn't.

3. **Students admitted on this basis are often ill-equipped to handle the schools to which they've been admitted.** Imagine a AA minor league baseball player suddenly asked to bat cleanup in the majors, or a high school science fair contestant suddenly asked to take a rocket scientist job at NASA. There's a possibility of success in these situations, but it's more likely they will be in over their heads. Schools like Harvard and Yale have high GPA and SAT requirements because it is extremely difficult to graduate from them. Thus, when they're forced to lower standards to achieve a minority quota, some students can't keep up. This isn't to say these students are less capable, but chances are that if they can't meet
minimum requirements, they probably aren't ready to go there. The far-lower graduation rate of minorities is testament to the fact that they are too often going to schools that don't match their ability. The original application criteria of schools were put in for a reason. We should adhere to them.

4. **It would help lead a truly color-blind society.** When you apply for a job or fill out a college application, how often are asked about things like your hair color, eye color, or height? Unless it's for a modeling or athletic position, probably never. Why? It's because hair & eye color or height don't have any effect on your ability to do a job or succeed at a school. There's no association between hair/eye color and intelligence, discipline, ambition, character, or other essentials. Thus, it's useless to even ask about the information. Conversely, there's no association between skin color and intelligence/discipline/etc. So why do we keep drawing attention to it? Wouldn't it be great if we one day lived in a society when skin color was ignored as much as hair & eye color?

5. **It is condescending to minorities to say they need affirmative action to succeed.** When you give preferential treatment to minorities in admission or hiring practices, you're in effect saying "You're too stupid or incapable of achieving on your own, so let me help you". It is condescending and insulting to imply that minorities cannot achieve their goals through hard work and ability.

6. **It deems true minority achievement; i.e. success is labeled as result of affirmative action rather than hard work and ability.** Ask Condi Rice or Colin Powell how they got to where they are -- hard work or affirmative action? Both were hired because they are bright, articulate, and well-suited for their positions. My guess is that both would be offended if you said they got to where they were strictly because of affirmative action. The same can be said of minority doctors, lawyers, business leaders, etc. Too often, their achievements are demeaned by people who believe preferential treatment got them to their current positions. Minorities must then work twice as hard to earn respect.

**No**

1. **Diversity is desirable and won't always occur if left to chance.** Part of the education process is learning to interact with other races and nationalities. Many students live very segregated lives up until the time they start college. Thus, opinions of other races and nationalities are based on stereotypes. Interaction allows students to learn that persons of the opposite race are people too, more or less just like themselves. The movie *Remember the Titans*, based on a true story, is an excellent illustration of this. In the beginning, the football players portrayed in the movie are heavily segregated and antagonistic to the other race. The coach forces them to room with a player of the opposite color as well as learn some essential facts about each other. To make a long story short, they become lifelong friends and accomplish an undefeated season. Since this diversity is desirable, we want to make sure colleges represent a wide range of backgrounds. Unfortunately,
without affirmative action, this diversity is much less likely to occur. It's possible schools with become segregated like in past decades. Elite schools may become increasingly dominated by majority students. Diversity is so important; we can't leave it to chance.

2. **Students starting at a disadvantage need a boost.** Minority students, generally speaking, start out at a disadvantage in their college or job application process. They usually come from lower income families and have less opportunity to go to private schools as white students. Some inner city youths must also live their childhoods in high crime, drug-infested areas. Sincere, hard-working minority students are every bit as capable as white students, but because of these disadvantages, they may not have the same paper qualifications. Affirmative action evens the playing field a bit.

3. **Affirmative action draws people to areas of study and work they may never consider otherwise.** Whether it's men being brought into nursing, women brought into technology fields, or minorities brought into Ivy League schools, it is always desirable to bring people to areas of study or work that they may not have considered otherwise. The more we change stereotypes, the less we'll need affirmative action in the future.

4. **Some stereotypes may never be broken without affirmative action.** For decades blacks were considered less capable than whites. It took affirmative action to give blacks the opportunity to show they are ever bit as capable. These and other stereotypes have started to change and will continue to change with the help of affirmative action.

5. **Affirmative action is needed to compensate minorities for centuries of slavery or oppression.** The first several centuries of the U.S.’s existence saw whites enslave and oppress blacks, Native Americans, and other minorities. Minorities gave decades of unpaid labor, had land taken from them, were subject to brutal punishments, and were denied most of the fundamental rights provided by our Constitution. Affirmative action simply provides a way to compensate the descendants for the wrongs done to their ancestors.

### Affirmative Action - Pros and Cons

<table>
<thead>
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<th><strong>California Proposition 209</strong></th>
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<td>The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education or public contracting.</td>
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The Supreme Court has given support to affirmative action policies in years past (*i.e. Bakke v Regents of the University of California*). However, many recent
court decisions have begun calling it into question. Voters in California recently considered the proposition above, and voters in Washington state and in Houston, TX have also considered a similar question.

Challenges to affirmative action generally focuses on the following three questions:

- Is it constitutional / legal?
- Is it morally justified?
- Is it practical?

Read the following quotes for and against affirmative action:

<table>
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<th>Pro</th>
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<td>&quot;In order to get beyond racism we must first take account of race. There is no other way. And in order to treat someone equally, we must first treat them differently.&quot;</td>
<td>&quot;The equal protection standard of the constitution has one clear and central meaning -- it absolutely prohibits invidious [repugnant] discrimination by government...Under our Constitution, any official action that treats a person differently on account of his race or ethnic origin is inherently [by nature] suspect and presumptively [probably] invalid...Under the Constitution we have, one practice in which government may never engage in the practice of racism -- not even &quot;temporarily&quot; and not even as an &quot;experiment.&quot;</td>
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<td>- Justice Harry Blackmun                                             - Justice Potter Stewart</td>
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<td>&quot;The unhappy persistence of both the practice and the lingering effects of racial discrimination ...is an unfortunate reality...and the government is not disqualified form acting in response to it.&quot;</td>
<td>&quot;Too often the result of affirmative action has been an artificial diversity that gives the appearance of parity between blacks and whites that has not yet been achieved in reality...Preferences tend to attack one form of discrimination with another...Affirmative action encourages a victim-focused identity, and sends the message that there is more power in our past suffering than in our present achievements.&quot;</td>
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<td>- Justice Sandra Day O'Connor                                        - Shelby Steele, Professor</td>
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"...The Court ...[recognizes]...the persistence of racial inequality and a majority's acknowledgement of Congress's authority to act affirmatively, not only to end discrimination, but also to counteract discrimination's lingering effects. Those effects, reflective of a system of racial caste [legal segregation and discrimination] only recently ended, are evident in our workplaces, markets, and neighborhoods. Job applicants with identical resumes, qualifications, and interview styles still experience different receptions, depending on their race.

- Justice Ruth Bader Ginsburg

"Affirmative action is...an effort to correct an immense historical injustice with small doses of "injustice" in the present. It is an effort to life some blacks...into the middle class. It should properly be seen not as a sacrifice by whites for the benefits of the next. The cost is paid today--by whites shunted aside, and, more subtly, by the blacks obliged to doubt that their advancement is personally deserved. ...The payoff will come tomorrow, when a new generation of black children is born into the middle class...In any event, affirmative action can work only at the margins. It can pull up only those who are ready to be pulled up. It can do little or nothing for the mind-numbingly dreadful problems of ...crime, drugs, children bearing children, family atomization [breakup], despair, peer pressure to fail in school, and all the fearful rest.

- Hedrick Smith, Journalist

Now that you have read some arguments for and against affirmative action, complete your own pro / con chart below. What do you see as the benefits and the drawbacks of affirmative action?

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After debating the issue with the chart above and reading the quotes above, answer the following question.

Write a 150 word paragraph answer using complete sentences.

What is your opinion of affirmative action? How effective is it? Weigh the merits of affirmative action policies in terms of legality, fairness and practicality.

http://www.mcps.k12.md.us/schools/wjhs/depts/socialst/hagan/classes/NSLB/unit9/affirmative_action_pros%20%26_cons.htm

**Affirmative action: Pros and cons**

By Rachel Potucek

Kansas State University's Krishna Tummala admits affirmative action is a difficult subject. He would know -- he teaches an occasional class on it and is an award-winning public policy writer.

"Affirmative action is difficult because it stirs up a lot of emotions," said Tummala, pictured at left, a political science professor and director of the graduate program in public administration. "Rationality can go through the window."

With the Supreme Court recently upholding affirmative action in one decision and striking it in the other, affirmative action can seem difficult not just because it is emotionally charged -- it can be downright confusing.

K-State associate professor of political science John Fliter defines American affirmative action policies as "public or private policies or programs, usually in employment, education and contracting, designed to give special consideration to disadvantaged groups and to enhance diversity."

Affirmative action is not the same thing as a quota system; quotas are "opposed in the United States vehemently," Tummala said.
"Affirmative action involves much more than minority set-asides," said Fliter, pictured below. "It includes everything from enhanced recruitment of minorities to retention policies that encourage minority success in school and employment."

Some people think affirmative action is only for one or two minorities, Tummala said. In reality, the law does not separate one minority from another. Every minority is protected.

Affirmative action creates a constitutional paradox, Tummala said. "You do something unequal to create equality eventually. The constitution says we must treat all people equally, but affirmative action treats some people unequally, actually more equally. This creates constitutional tension."

This tension is just one of the reasons why many people have opposed affirmative action. Tummala said he wants his students to make up their own minds about the policy, and he provides arguments for and against it in his classes. Aside from arguments claiming reverse discrimination, Tummala said affirmative action could stigmatize people and hurt a person's work environment.

"Some people argue that you shouldn't extend affirmative action to an entire class of people. Just because you are part of an ethnic group, you should not get this preferential treatment," Tummala said. "This argument, however, was not accepted by the courts.

"Another argument against affirmative action is that the moment you protect a class in legal language, you put a stigma on them. People think it is demeaning," Tummala said. "This is something that bothers Supreme Court Justice Clarence Thomas. He was once a recipient of affirmative action, and he feels the frustration that people think he is a member of the court just because he's black."

Affirmative action can hurt office work environments because "a person who comes into an administrative position can get an inferiority complex," he said. "They believe the rest of the office will think they got there with help. This leads to unusual behavior."

Despite these drawbacks, Tummala and Fliter argue affirmative action has merit. Tummala said it is the primary legal tool to promote minorities who have been historically discriminated against, and there is a lot of evidence that minorities have been brought into the mainstream and accepted.

"My sense is that it does a good job in promoting diverse student bodies and workforces and providing equal opportunity for at least some minorities," said Fliter. "There is a lot of value in diversity, especially in higher education."

As diversity increases in education and the workforce, Tummala wonders when we won't need affirmative action anymore.

"It is impossible to put a date on it," he said. "People supposed the program would self-destruct as everyone would become equal. But it's commonly known that once
you create a government program, it's nearly impossible to kill. Once an interest group is created, they strongly defend their turf. Moreover, a society can never reach absolute equality to be able to say that there is no more need for affirmative action."

Fliter and Tummala argue affirmative action should protect economically disadvantaged people as well as minority groups.

"We should bring in additional economic criteria," Tummala said. "There are poor whites and poor minorities, and both are denied opportunities." Fliter, too, suggests affirmative action may have to protect economic classes rather than races as more women and minorities advance socially and economically.

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**Impact of recent supreme court decisions on affirmative action**

Kansas State University political scientists Krishna Tummala and John Fliter say that two recent court rulings about the University of Michigan's affirmative action admissions policies are not necessarily "landmark" decisions.

"The Supreme Court decisions basically reaffirmed the Court's decision in Regents of University of California v. Bakke (1978)," Fliter said. "In the Bakke case, and with the latest decisions, the Court upheld the use of affirmative action in admissions and said that diversity is an important goal."

"Nothing much has changed," Tummala said. "The Court supported Michigan's law school policy by saying schools can use affirmative action when race is a factor, but not the primary factor. Diversity as an important social value is upheld."

The Supreme Court struck down the University of Michigan's undergraduate admissions policy because it looked like "a disguised quota," Tummala said. The undergraduate points system gave minority students 20 points just for their race.

Michigan's law school, however, did not use a point system, and instead tried to reach a "critical mass" of minority students for each class, Fliter said.

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http://www.mediarelations.k-state.edu/WEB/News/Webzine/0203/aapros&cons.html

What Is Affirmative Action?
Born of the civil rights movement three decades ago, affirmative action calls for minorities and women to be given special consideration in employment, education and contracting decisions.

Institutions with affirmative action policies generally set goals and timetables for increased diversity – and use recruitment, set-asides and preference as ways of achieving those goals.

In its modern form, affirmative action can call for an admissions officer faced with two similarly qualified applicants to choose the minority over the white, or for a manager to recruit and hire a qualified woman for a job instead of a man. Affirmative action decisions are generally not supposed to be based on quotas, nor are they supposed to give any preference to unqualified candidates. And they are not supposed to harm anyone through "reverse discrimination."