Affirmative_action_in_the_United_States

Another popular argument for affirmative action is the compensation argument. Blacks were mistreated in the past for a morally irrelevant characteristic of being black so society today should compensate for the injuries. This causes reverse discrimination in the form of preferential hirings, contracts, and scholarships as a means to ameliorate past wrongs. Many opponents argue that this form of reparation is morally indefensible because if blacks were harmed for being black in the past, then preferential treatment for this same trait is illogical. In addition, arguments are made that whites today who innocently benefited from past injustices should not be punished for something they had no control over. Therefore, they are being reverse discriminated against because they are receiving the punishment that should be given to people who willingly and knowingly benefited from discriminatory practices After the Nixon administration, advancements in affirmative action became less prevalent. "During the brief Ford administration, affirmative action took a back seat, while enforcement stumbled along.":145 Equal rights was still an important subject to many Americans, yet the world was changing and new issues were being raised. People began to look at affirmative action as a glorified issue of the past and now there were other areas that needed focus. "Of all the triumphs that have marked this as America\'s Century -...none is more inspiring, if incomplete, than our pursuit of racial justice. In the year 2000, according to a study by American Association of University Professors (AAUP), affirmative action promoted diversity within colleges and universities. This has been shown to have positive effects on the educational outcomes and experiences of college students as well as the teaching of faculty members. According to a study by Geoffrey Maruyama and José F. Moreno, the results showed that faculty members believed diversity helps students to reach the essential goals of a college education, Caucasian students suffer no detrimental effects from classroom diversity, and that attention to multicultural learning improves the ability of colleges and universities to accomplish their missions. Furthermore, a diverse population of

students offers unique perspectives in order to challenge preconceived notions through exposure to the experiences and ideas of others. According to Professor Gurin of the University of Michigan, skills such as "perspective-taking, acceptance of differences, a willingness and capacity to find commonalities among differences, acceptance of conflict as normal, conflict resolution, participation in democracy, and interest in the wider social world" can potentially be developed in college while being exposed to heterogeneous group of students. In addition, broadening perspectives helps students confront personal and substantive stereotypes and fosters discussion about racial and ethnic issues in a classroom setting. Furthermore, the 2000 AAUP study states that having a diversity of views leads to a better discussion and greater understanding among the students on issues of race, tolerance, fairness, etc. The first appearance of the term 'affirmative action' was in the National Labor Relations Act, better known as the Wagner Act, of 1935.:15 Proposed and championed by U.S. Senator Robert F. Wagner of New York, the Wagner Act was in line with President Roosevelt's goal of providing economic security to workers and other low-income groups. During this time period it was not uncommon for employers to blacklist or fire employees associated with unions. The Wagner Act allowed workers to unionize without fear of being discriminated against, and empowered a National Labor Relations Board to review potential cases of worker discrimination. In the event of discrimination, employees were to be restored to an appropriate status in the company through 'affirmative action'. While the Wagner Act protected workers and unions it did not protect minorities, who, exempting the Congress of Industrial Organizations, were often barred from union ranks.:11 This original coining of the term therefore has little to do with affirmative action policy as it is seen today, but helped set the stage for all policy meant to compensate or address an individual's unjust treatment.[citation needed During a panel discussion at Harvard University\'s reunion for African American alumni during the 2003-04 academic year, two prominent black professors at the institution-Lani Guinier and Henry Louis Gates-pointed out an unintended effect of affirmative action policies at Harvard. They stated that only about a third of

black Harvard undergraduates were from families in which all four grandparents were born into the African American community. The majority of black students at Harvard were Caribbean and African immigrants or their children, with some others the mixed-race children of biracial couples. One Harvard student, born in the South Bronx to a black family whose ancestors have been in the United States for multiple generations, said that there were so few Harvard students from the historic African American community that they took to calling themselves "the descendants" (i.e., descendants of American slaves). The reasons for this underrepresentation of historic African Americans, and possible remedies, remain a subject of debate. UCLA professor Richard H. Sander published an article in the November 2004 issue of the Stanford Law Review that questioned the effectiveness of racial preferences in law schools. He noted that, prior to his article, there had been no comprehensive study on the effects of affirmative action. The article presents a study that shows that half of all black law students rank near the bottom of their class after the first year of law school and that black law students are more likely to drop out of law school and to fail the bar exam. The article offers a tentative estimate that the production of new black lawyers in the United States would grow by eight percent if affirmative action programs at all law schools were ended. Less qualified black students would attend less prestigious schools where they would be more closely matched in abilities with their classmates and thus perform relatively better. Sander helped to develop a socioeconomically-based affirmative action plan for the UCLA School of Law after the passage of Proposition 209 in 1996, which prohibited the use of racial preferences by public universities in California. This change occurred after studies showed that the graduation rate of blacks at UCLA was 41%, compared to 73% for whites. Following the Sergeant Isaac Woodard incident, President Harry S. Truman, himself a combat veteran of World War I, issued Executive Order 9808 establishing the President\'s Committee on Civil Rights to examine the violence and recommend appropriate federal legislation. Hearing of the incident, Truman turned to NAACP leader Walter Francis White and declared, "My God! I had no idea it was as terrible as that. We\'ve got to do

something." In 1947 the committee published its findings, To Secure These Rights. The book was widely read, influential, and considered utopian for the times: "In our land men are equal, but they are free to be different. From these very differences among our people has come the great human and national strength of America." The report discussed and demonstrated racial discrimination in basic freedoms, education, public facilities, personal safety, and employment opportunities. The committee was disturbed by the state of race relations, and included the evacuation of Americans of Japanese descent during the war "made without a trial or any sort of hearingFundamental to our whole system of law is the belief that guilt is personal and not a matter of heredity or association." The recommendations were radical, calling for federal policies and laws to end racial discrimination and bring about equality: "We can tolerate no restrictions upon the individual which depend upon irrelevant factors such as his race, his color, his religion, or the social position to which he is born." To Secure These Rights set the liberal legislative agenda for the next generation that eventually would be signed into law by Lyndon B. Johnson.:35-36 According to a study by Dr. Paul Brest, Hispanics or "Latinos" include immigrants who are descendants of immigrants from the countries comprising Central and South America. In 1991, Mexican Americans, Puerto Ricans, and Cuban Americans made up 80% of the Latino population in the United States. Latinos are disadvantaged compared to White Americans and are more likely to live in poverty. They are the least well educated major ethnic group and suffered a 3% drop in high school completion rate while African Americans experienced a 12% increase between 1975-1990. In 1990, they constituted 9% of the population, but only received 3.1% of the bachelors\'s degrees awarded. At times when it is favorable to lawmakers, Latinos were considered "white" by the Jim Crow laws during the Reconstruction. In other cases, according to Paul Brest, Latinos have been classified as an inferior race and a threat to white purity. Latinos have encountered considerable discrimination in areas such as employment, housing, and education. Brest finds that stereotypes continue to be largely negative and many perceive Latinos as "lazy, unproductive, and on the dole." Furthermore,

native-born Latino-Americans and recent immigrants are seen as identical since outsiders tend not to differentiate between Latino groups. To accommodate the ruling in Hopwood v. Texas banning any use of race in school admissions, the State of Texas passed a law guaranteeing entry to any state university if a student finished in the top 10% of their graduating class. Florida and California have also replaced racial quotas with class rank and other criteria. Class rank tends to benefit top students at less competitive high schools, to the detriment of students at more competitive high schools. This effect, however, may be intentional since less-funded, less competitive schools are more likely to be schools where minority enrollment is high. Critics argue that class rank is more a measure of one\'s peers than of one\'s self. The top 10% rule adds racial diversity only because schools are still highly racially segregated because of residential patterns. The class rank rule has the same consequence as traditional affirmative action: opening schools to students who would otherwise not be admitted had the given school used a holistic, merit-based approach. From 1996 to 1998, Texas had merit-based admission to its state universities, and minority enrollment dropped. The state\'s adoption of the "top 10 percent" rule returned minority enrollment to pre-1996 levels. Richard Sander claims that by artificially elevating minority students into schools they otherwise would not be capable of attending, this discourages them and tends to engender failure and high dropout rates for these students. For example, about half of black college students rank in the bottom 20 percent of their classes, black law school graduates are four times as likely to fail bar exams as are whites, and interracial friendships are more likely to form among students with relatively similar levels of academic preparation; thus, blacks and Hispanics are more socially integrated on campuses where they are less academically mismatched. He claims that the supposed "beneficiaries" of affirmative action - minorities - do not actually benefit and rather are harmed by the policy. Sander\'s claims have been disputed, and his empirical analyses have been subject to substantial criticism. A group including some of the country\'s lead statistical methodologists told the Supreme Court that Sander\'s analyses were sufficiently flawed that the

Court would be wise to ignore them entirely. At the same time many scholars have found that minorities gain substantially from affirmative action. In 2012, Abigail Fisher, an undergraduate student at Louisiana State University, and Rachel Multer Michalewicz, a law student at Southern Methodist University, filed a lawsuit to challenge the University of Texas admissions policy, asserting it had a "race-conscious policy" that "violated their civil and constitutional rights". The University of Texas employs the "Top Ten Percent Law", under which admission to any public college or university in Texas is guaranteed to high school students who graduate in the top ten percent of their high school class. Fisher has brought the admissions policy to court because she believes that she was denied acceptance to the University of Texas based on her race, and thus, her right to equal protection according to the 14th Amendment was violated. The Supreme Court heard oral arguments in Fisher on October 10, 2012, and rendered an ambiguous ruling in 2013 that sent the case back to the lower court, stipulating only that the University must demonstrate that it could not achieve diversity through other, non-race sensitive means. In July 2014, the US Court of Appeals for the Fifth Circuit concluded that U of T maintained a "holistic" approach in its application of affirmative action, and could continue the practice. On February 10, 2015, lawyers for Fisher filed a new case in the Supreme Court. It is a renewed complaint that the U.S. Court of Appeals for the Fifth Circuit got the issue wrong - on the second try as well as on the first. The Supreme Court agreed in June 2015 to hear the case a second time. It will likely be decided by June 2016. In May 2015, a coalition of more than 60 Asian-American organizations filed federal complaints with the Education and Justice Departments against Harvard University. The coalition asked for a civil rights investigation into what they described as Harvard\'s discriminatory admission practices against Asian-American applicants. The complaint asserts that recent studies indicate that Harvard has engaged in systematic and continuous discrimination against Asian Americans in its "holistic" admissions process. Asian-American applicants with near-perfect test scores, top-one-percent grade point averages, academic awards, and leadership positions are allegedly rejected by Harvard because the university

uses racial stereotypes, racially differentiated standards, and de facto racial quotas. This federal complaint was dismissed in July 2015 because the Students for Fair Admissions lawsuit makes similar allegations. When Eisenhower was elected President in 1952, he believed hiring practices and anti-discrimination laws should be decided by the states, although the administration gradually continued to desegregate the Armed Forces and the federal government.:50 The President also established the Government Contract Committee in 1953, which "conducted surveys of the racial composition of federal employees and tax-supported contractors".:50-51 The committee, chaired by Vice President Richard Nixon, had minimal outcomes in that they imposed the contractors with the primary responsibility of desegregation within their own companies and corporations.:51 On November 17, 2014, Students for Fair Admissions, an offshoot of the Project on Fair Representation, filed lawsuits in federal district court challenging the admissions practices of Harvard University and the University of North Carolina at Chapel Hill. The UNC-Chapel Hill lawsuit alleges discrimination against white and Asian students, while the Harvard lawsuit focuses on discrimination against Asian applicants. Both universities requested the court to halt the lawsuits until the U.S. Supreme Court provides clarification of relevant law by ruling in Fisher v. University of Texas at Austin for the second time. This Supreme Court case will likely be decided in June 2016 or slightly earlier. The category of Native American applies to the diverse group of people who lived in North America before European settlement. During the U.S. government's westward expansion, Native Americans were displaced from their land which had been their home for centuries. Instead, they were forced onto reservations which were far smaller and less productive. According to Brest, land belonging to Native Americans was reduced from 138 million acres in 1887 to 52 million acres in 1934. In 1990, the poverty rate for Native Americans was more than triple that of the whites and only 9.4% of Native Americans have completed a bachelor's degree as opposed to 25.2% of whites and 12.2% of African Americans. In June 1963, President Kennedy continued his policy of affirmative action by issuing another mandate, Executive Order 11114. The order supplemented to

his previous 1961 executive order declaring it was the "policy of the United States to encourage by affirmative action the elimination of discrimination in employment".:72 Through this order, all federal funds, such as "grants, loans, unions and employers who accepted taxpayer funds, and other forms of financial assistance to state and local governments," were forced to comply to the government\'s policies on affirmative action in employment practices.:72 To Secure These Rights also called for desegregation of the Armed Forces. "Prejudice in any area is an ugly, undemocratic phenomenon, but in the armed services, where all men run the risk of death, it is especially repugnant." The rationale was fairness: "When an individual enters the service of the country, he necessarily surrenders some of the rights and privileges which are inherent in American citizenship." In return, the government "undertakes to protect his integrity as an individual." Yet that was not possible in the segregated Army, since "any discrimination whichprevents members of the minority groups from rendering full military service in defense of their country is for them a humiliating badge of inferiority." The report called for an end to "all discrimination and segregation based on race, color, creed, or national origins inall branches of the Armed Services.":38-39 A study in 2007 by Mark Long, an economics professor at the University of Washington, demonstrated that the alternatives of affirmative action proved ineffective in restoring minority enrollment in public flagship universities in California, Texas, and Washington. More specifically, apparent rebounds of minority enrollment can be explained by increasing minority enrollment in high schools of those states, and the beneficiaries of class-based (not race) affirmative action would be white students. At the same time, affirmative action itself is both morally and materially costly: 52 percent of white populace (compared to 14 percent of black) thought it should be abolished, implying white distaste of using racial identity, and full-file review is expected to cost the universities an additional $1.5 million to $2 million per year, excluding possible cost of litigation. NAACP had many problem\'s with JFK\'s "token" proposal. They wanted jobs. One day after the order took effect, NAACP labor secretary Herbert Hill filed complaints against the hiring and promoting practices of Lockheed Aircraft Corporation. Lockheed

was doing business with the Defense Department on the first billion-dollar contract. Due to taxpayer-funding being 90% of Lockheed\'s business, along with disproportionate hiring practices, black workers charged Lockheed with "overt discrimination." Lockheed signed an agreement with Vice President Johnson that pledged an "aggressive seeking out for more qualified minority candidates for technical and skill positions.:63-64 This agreement was the administration\'s model for a "plan of progress." Johnson and his assistants soon pressured other defense contractors, including Boeing and General Electric, to sign similar voluntary agreements indicating plans for progress. However, these plans were just that, voluntary. Many corporations in the South, still afflicted with Jim Crow laws, largely ignored the federal recommendations.:63-64 Ideas for affirmative action came as early as the Reconstruction Era (1865-1877) in which a former slave population lacked the skills and resources for sustainable living. In 1865, General William Tecumseh Sherman proposed to divide the land and goods from Georgia and grant it to families of color which became the "Forty acres and a mule" policy. The proposal was never widely adopted due to strong political opposition. Nearly a century later (1950s-1960s), policies to assist classes of individuals reemerged during the Civil Rights Movement. The civil rights guarantees came through the interpretation of the Equal Protection Clause of the 14th Amendment. The decisions came to be known as affirmative action in which mandatory, as well as voluntary programs, affirmed the civil rights of people of color. Furthermore, these affirmative action programs protected people of color from the present effects stemming from past discrimination. In 1961, President John F. Kennedy became the first to utilize the term "affirmative action" in Executive Order 10925 to ensure that government contractors "take affirmative action to ensure that applicants are employed, and employees are treated during employment, without regard to their race, creed, color, or national origin." This executive order realized the government\'s intent to create equal opportunities for all qualified people. This executive order was eventually amended and superseded by Lyndon B. Johnson\'s Executive Order 11246 which prevented discrimination based on race, color, religion,

and national origin by organizations which received federal contracts and subcontracts. In 1967, the order was amended to include sex as well. The Reagan administration was opposed to the affirmative action requirements of Executive Order 11246, but these contemplated changes[which?] faced bi-partisan opposition in Congress. Some opponents further claim that affirmative action has undesirable side-effects and that it fails to achieve its goals. They argue that it hinders reconciliation, replaces old wrongs with new wrongs, undermines the achievements of minorities, and encourages groups to identify themselves as disadvantaged, even if they are not. It may increase racial tension and benefit the more privileged people within minority groups at the expense of the disenfranchised within better-off groups (such as lower-class whites and Asians).There has recently been a strong push among American states to ban racial or gender preferences in university admissions, in reaction to the controversial and unprecedented decision in Grutter v. Bollinger. In 2006, nearly 60% of Michigan voters decided to ban affirmative action in university admissions. Michigan joined California, Florida, Texas, and Washington in banning the use of race or sex in admissions considerations. Some opponents believe, among other things, that affirmative action devalues the accomplishments of people who belong to a group it's supposed to help, therefore making affirmative action counter-productive. Furthermore, opponents of affirmative action claim that these policies dehumanize individuals and applicants to jobs or school are judged as members of a group without consideration for the individual person. FDR\'s New Deal programs often contained equal opportunity clauses stating "no discrimination shall be made on account of race, color or creed",:11 but the true forerunner to affirmative action was the Interior Secretary of the time, Harold L. Ickes. Ickes prohibited discrimination in hiring for Public Works Administration funded projects and oversaw not only the institution of a quota system, where contractors were required to employ a fixed percentage of Black workers, by Robert C. Weaver and Clark Foreman,:12 but also the equal pay of women proposed by Harry Hopkins.:14FDR\'s largest contribution to affirmative action, however, lay in his Executive Order 8802 which prohibited discrimination in the defense industry or

government.:22 The executive order promoted the idea that if taxpayer funds were accepted through a government contract, then all taxpayers should have an equal opportunity to work through the contractor.:23-4 To enforce this idea, Roosevelt created the Fair Employment Practices Committee (FEPC) with the power to investigate hiring practices by government contractors.:22 In the 1960 presidential election, Democratic candidate and future President John F. Kennedy "criticized President Eisenhower for not ending discrimination in federally supported housing" and "advocated a permanent Fair Employment Practices Commission".:59 Shortly after taking office, Kennedy issued Executive Order 10925 in March 1961, requiring government contractors to "consider and recommend additional affirmative steps which should be taken by executive departments and agencies to realize more fully the national policy of nondiscrimination. The contractor will 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".:60 The order also established the President\'s Committee on Equal Employment Opportunity (PCEEO), chaired by Vice President Lyndon B. Johnson. Federal contractors who failed to comply or violated the executive order were punished by contract cancellation and the possible debarment from future government contracts. The administration was "not demanding any special preference or treatment or quotas for minorities" but was rather "advocating racially neutral hiring to end job discrimination".:61 Turning to issues of women\'s rights, Kennedy initiated a Commission on the Status of Women in December 1961. The commission was charged with "examining employment policies and practices of the government and of contractors" with regard to sex.:66 In 2006, Jian Li, a Chinese undergraduate at Yale University, filed a civil rights complaint with the Office for Civil Rights against Princeton University, claiming that his race played a role in their decision to reject his application for admission and seeking the suspension of federal financial assistance to the university until it "discontinues discrimination against Asian Americans in all forms" by eliminating race and legacy preferences. Princeton Dean of Admissions Janet Rapelye responded to the claims in the

November 30, 2006, issue of the Daily Princetonian by stating that "the numbers don\'t indicate [discrimination]." She said that Li was not admitted because "many others had far better qualifications." Li\'s extracurricular activities were described as "not all that outstanding". Li countered in an email, saying that his placement on the waitlist undermines Rapelye\'s claim. "Princeton had initially waitlisted my application," Li said. "So if it were not for a yield which was higher than expected, the admissions office very well may have admitted a candidate whose "outside activities were not all that outstanding". The strides that the Johnson presidency made in ensuring equal opportunity in the workforce were further picked up by his successor Nixon. In 1969 the Nixon administration initiated the "Philadelphia Order". It was regarded as the most forceful plan thus far to guarantee fair hiring practices in construction jobs. Philadelphia was selected as the test case because, as Assistant Secretary of Labor Arthur Fletcher explained, "The craft unions and the construction industry are among the most egregious offenders against equal opportunity laws . . . openly hostile toward letting blacks into their closed circle." The order included definite "goals and timetables." As President Nixon asserted, "We would not impose quotas, but would require federal contractors to show \'affirmative action\' to meet the goals of increasing minority employment. The first time "affirmative action" is used by the federal government concerning race is in President John F. Kennedy\'s Executive Order 10925, which was chaired by Vice President Johnson. At Johnson\'s inaugural ball in Texas, he met with a young black lawyer, Hobart Taylor Jr., and gave him the task to co-author the executive order. He wanted a phrase that "gave a sense of positivity to performance under the order." He was torn between the words "positive action" and "affirmative action," and selected the later due to its alliterative quality. The term "active recruitment" started to be used as well. This order, albeit heavily worked up as a significant piece of legislation, in reality carried little actual power. The scope was limited to a couple hundred defense contractors, leaving nearly $7.5 billion in federal grants and loans unsupervised.:60 Early Asian immigrants experienced prejudice and discrimination in the forms of not having the ability to become naturalized citizens. They also

struggled with many of the same school segregation laws that African Americans faced. Particularly, during World War II, Japanese Americans were interned in camps and lost their property, homes, and businesses. Discrimination against Asians began with the Chinese Exclusion Act of 1882 and then continued with the Scott Act of 1888 and the Geary Act of 1892. At the beginning of the 20th century, the United States passed the Immigration Act of 1924 to prevent Asian immigration out of fear that Asians were stealing white jobs and lowering the standard for wages. In addition, whites and non-Asians do not differentiate among the different Asian groups and perpetuate the "model minority" stereotype. According to a 2010 article by Professor Qin Zhang of Fairfield University, Asians are characterized as one dimensional in having great work ethic and valuing education, but lacking in communication skills and personality. A negative outcome of this stereotype is that Asians have been portrayed as having poor leadership and interpersonal skills. This has contributing to the "glass ceiling" phenomenon in which although there are many qualified Asian Americans, they occupy a disproportionately small number of executive positions in businesses. Furthermore, the model minority stereotype has led to resentment of Asian success and several universities and colleges have limited or have been accused of limiting Asian matriculation. Affirmative action is a subject of controversy. Some policies adopted as affirmative action, such as racial quotas or gender quotas for collegiate admission, have been criticized as a form of reverse discrimination, and such implementation of affirmative action has been ruled unconstitutional by the majority opinion of Gratz v. Bollinger. Affirmative action as a practice was upheld by the Supreme Court's decision in Grutter v. Bollinger in 2003. Affirmative action policies were developed in order to correct decades of discrimination stemming from the Reconstruction Era by granting disadvantaged minorities opportunities. Many believe that the diversity of current American society suggests that affirmative action policies succeeded and are no longer required. Opponents of affirmative action argue that these policies are outdated and lead to reverse discrimination which entails favoring one group over another based upon racial preference rather than achievement. Ricci v. DeStefano was heard by the

United States Supreme Court in 2009. The case concerns White and Hispanic firefighters in New Haven, Connecticut, who upon passing their test for promotions to management were denied the promotions, allegedly because of a discriminatory or at least questionable test. The test gave 17 whites and two Hispanics the possibility of immediate promotion. Although 23% of those taking the test were African American, none scored high enough to qualify. Because of the possibility the tests were biased in violation of Title VII of the Civil Rights Act, no candidates were promoted pending outcome of the controversy. In a split 5-4 vote, the Supreme Court ruled that New Haven had engaged in impermissible racial discrimination against the White and Hispanic majority. In June, Truman became the first president to address the NAACP. His speech was a significant departure from traditional race relations in the United States. In front of 10,000 people at the Lincoln Memorial, the president left no doubt where he stood on civil rights. According to his speech, America had "reached a turning point in the long history of our country\'s efforts to guarantee freedom and equality to all our citizensEach man must be guaranteed equality of opportunity." He proposed what black citizens had been calling for - an enhanced role of federal authority through the states. "We must make the Federal government a friendly, vigilant defender of the rights and equalities of all Americans. And again I mean all Americans.":40 President Kennedy stated in Executive Order 10925 that "discrimination because of race, creed, color, or national origin is contrary to the Constitutional principles and policies of the United States"; that "it is the plain and positive obligation of the United States Government to promote and ensure equal opportunity for all qualified persons, without regard to race, creed, color, or national origin, employed or seeking employment with the Federal Government and on government contracts"; that "it is the policy of the executive branch of the Government to encourage by positive measures equal opportunity for all qualified persons within the Government"; and that "it is in the general interest and welfare of the United States to promote its economy, security, and national defense through the most efficient and effective utilization of all available manpower". Proponents of affirmative action argue that by nature the system is not only

race based, but also class and gender based. To eliminate two of its key components would undermine the purpose of the entire system. The African American Policy Forum believes that the class based argument is based on the idea that non-poor minorities do not experience racial and gender based discrimination. The AAPF believes that "Race-conscious affirmative action remains necessary to address race-based obstacles that block the path to success of countless people of color of all classes". The groups goes on to say that affirmative action is responsible for creating the African American middle class, so it does not make sense to say that the system only benefits the middle and upper classes. In the beginning, racial classifications that identified race were inherently suspect and subject to strict scrutiny. These classifications would only be upheld if necessary to promote a compelling governmental interest. Later the U.S. Supreme Court decided that racial classifications that benefited underrepresented minorities were to only be upheld if necessary and promoted a compelling governmental purpose. (See Richmond v. J.A. Croson Co.) There is no clear guidance about when government action is not "compelling", and such rulings are rare. Title VII was perhaps the most controversial of the entire bill. Many conservatives accused it of advocating a de facto quota system, and claimed unconstitutionality as it attempts to regulate the workplace. Minnesota Senator Hubert Humphrey corrected this notion: "there is nothing in [Title VII] that will give power to the Commission to require hiring, firing, and promotion to meet a racial \'quota.\' [. . .] Title VII is designed to encourage the hiring on basis of ability and qualifications, not race or religion." Title VII prohibits discrimination. Humphrey was the silent hero of the bill\'s passing through Congress. He pledged that the bill required no quotas, just nondiscrimination. Doing so, he convinced many pro-business Republicans, including Senate Minority Leader Everett Dirksen (IL) to support Title VII.:78-80 Some commentators have defined reverse discrimination as a policy or practice in which members of a majority are discriminated against in favor of a historically disadvantaged group or minority.[non-primary source needed] Many argue that reverse discrimination results from affirmative action policies and that these policies are just another form of

discrimination no different from examples in the past. People like Ward Connerly assert that affirmative action requires the very discrimination it is seeking to eliminate. According to these opponents, this contradiction might make affirmative action counter-productive. One argument for reverse discrimination is the idea that affirmative action encourages mediocrity and incompetence. Job positions would not be offered to the applicants who are the most qualified, but to applicants with a special trait such as a certain race, ethnicity, or gender. For example, opponents say affirmative action causes unprepared applicants to be accepted in highly demanding educational institutions or jobs which result in eventual failure (see, for example, Richard Sander's study of affirmative action in Law School, bar exam and eventual performance at law firms). Other opponents say that affirmative action lowers the bar and so denies those who strive for excellence on their own merit and the sense of real achievement. Opponents of affirmative action suggest that merit should be the primary factor considered in applying for job positions, college, graduate school, etc. Affirmative action in the United States tends to focus on issues such as education and employment, specifically granting special consideration to racial minorities, Native Americans, and women who have been historically excluded groups in America. Reports have shown that minorities and women have faced discrimination in schools and businesses for many years and this discrimination produced unfair advantages for whites and males in education and employment. The impetus toward affirmative action is redressing the disadvantages associated with past and present discrimination. Further impetus is a desire to ensure public institutions, such as universities, hospitals, and police forces, are more representative of the populations they serve. The racial preferences debate related to admission to US colleges and universities reflects competing notions of the mission of colleges: "To what extent should they pursue scholarly excellence, to what extent civic goods, and how should these purposes be balanced?". Scholars such as Ronald Dworkin have asserted that no college applicant has a right to expect that a university will design its admissions policies in a way that prizes any particular set of qualities. In this view, admission is not an honor

bestowed to reward superior merit but rather a way to advance the mission as each university defines it. If diversity is a goal of the university and their racial preferences do not discriminate against applicants based on hatred or contempt, then affirmative action can be judged acceptable based on the criteria related to the mission the university sets for itself. The National Conference of State Legislatures held in Washington D.C. stated in a 2014 overview that many supporters for affirmative action argue that policies stemming from affirmative action help to open doors for historically excluded groups in workplace settings and higher education. Workplace diversity has become a business management concept in which employers actively seek to promote an inclusive workplace. By valuing diversity, employers have the capacity to create an environment in which there is a culture of respect for individual differences as well as the ability to draw in talent and ideas from all segments of the population. By creating this diverse workforce, these employers and companies gain a competitive advantage in an increasingly global economy. According to the U.S. Equal Employment Opportunity Commission, many private sector employers have concluded that a diverse workforce makes a "company stronger, more profitable, and a better place to work." Therefore, these diversity promoting policies are implemented for competitive reasons rather than as a response to discrimination, but have shown the value in having diversity. On July 26, Truman mandated the end of hiring and employment discrimination in the federal government, reaffirming FDR\'s order of 1941.:40 He issued two executive orders on July 26, 1948: Executive Order 9980 and Executive Order 9981. Executive Order 9980, named Regulations Governing for Employment Practices within the Federal Establishment, instituted fair employment practices in the civilian agencies of the federal government. The order created the position of Fair Employment Officer. The order "established in the Civil Service Commission a Fair Employment Board of not less than seven persons." Executive Order 9981, named Establishing the President\'s Committee on Equality of Treatment and Opportunity in the Armed Services, called for the integration of the Armed Forces and the creation of the National Military Establishment to carry out the executive order. Proponents

of affirmative action recognize that the policy is inherently unequal; however, minding the inescapable fact that historic inequalities exist in America, they believe the policy is much more fair than one in which these circumstances are not taken into account. Furthermore, those in favor of affirmative action see it as an effort towards inclusion rather than a discriminatory practice. "Job discrimination is grounded in prejudice and exclusion, whereas affirmative action is an effort to overcome prejudicial treatment through inclusion. The most effective way to cure society of exclusionary practices is to make special efforts at inclusion, which is exactly what affirmative action does. This eventually led to LBJ's Civil Rights Act, which came shortly after President Kennedy's assassination. This document was more holistic than any President Kennedy had offered, and therefore more controversial. It aimed not only to integrate public facilities, but also private businesses that sold to the public, such as motels, restaurants, theaters, and gas stations. Public schools, hospitals, libraries, parks, among other things, were included in the bill as well. It also worked with JFK's executive order 11114 by prohibiting discrimination in the awarding of federal contracts and holding the authority of the government to deny contracts to businesses who discriminate. Maybe most significant of all, Title VII of the Civil Rights Act aimed to end discrimination in all firms with 25 or more employees. Another provision established the Equal Employment Opportunity Commission as the agency charged with ending discrimination in the nation's workplace.:74 Terry Eastland, the author who wrote From Ending Affirmative Action: The Case for Colorblind Justice states, "Most arguments for affirmative action fall into two categories: remedying past discrimination and promoting diversity". Eastland believes that the founders of affirmative action did not anticipate how the benefits of affirmative action would go to those who did not need it, mostly middle class minorities. Additionally, she argues that affirmative action carries with it a stigma that can create feelings of self-doubt and entitlement in minorities. Eastland believes that affirmative action is a great risk that only sometimes pays off, and that without it we would be able to compete more freely with one another. Libertarian economist Thomas Sowell identified what

he says are negative results of affirmative action in his book, Affirmative Action Around the World: An Empirical Study. Sowell writes that affirmative action policies encourage non-preferred groups to designate themselves as members of preferred groups [i.e., primary beneficiaries of affirmative action] to take advantage of group preference policies; that they tend to benefit primarily the most fortunate among the preferred group (e.g., upper and middle class blacks), often to the detriment of the least fortunate among the non-preferred groups (e.g., poor white or Asian); that they reduce the incentives of both the preferred and non-preferred to perform at their best - the former because doing so is unnecessary and the latter because it can prove futile - thereby resulting in net losses for society as a whole; and that they engender animosity toward preferred groups as well.:115-147 The controversy surrounding affirmative action's effectiveness is based on the idea of class inequality. Opponents of racial affirmative action argue that the program actually benefits middle- and upper-class African Americans and Hispanic Americans at the expense of lower-class European Americans and Asian Americans. This argument supports the idea of class-based affirmative action. America's poor is disproportionately made up of people of color, so class-based affirmative action would disproportionately help people of color. This would eliminate the need for race-based affirmative action as well as reducing any disproportionate benefits for middle- and upper-class people of color. Following the end of World War II the educational gap between White and Black Americans was widened by Dwight D. Eisenhower\'s GI Bill. This piece of legislation paved the way for white GIs to attend college. Despite their veteran status returning black servicemen were not afforded loans at the same rate as whites. Furthermore, at the time of its introduction, segregation was still the law of the land barring blacks from the best institutions. Overall, "Nearly 8 million servicemen and servicewomen were educated under the provisions of the GI Bill after World War II. But for blacks, higher educational opportunities were so few that the promise of the GI Bill went largely unfulfilled. In the US, a prominent form of racial preferences relates to access to education, particularly admission to universities and other forms of higher education. Race, ethnicity, native

language, social class, geographical origin, parental attendance of the university in question (legacy admissions), and/or gender are sometimes taken into account when the university assesses an applicant\'s grades and test scores. Individuals can also be awarded scholarships and have fees paid on the basis of criteria listed above. In 1978, the Supreme Court ruled in Bakke v. Regents that public universities (and other government institutions) could not set specific numerical targets based on race for admissions or employment. The Court said that "goals" and "timetables" for diversity could be set instead. Frederick Lynch, the author of Invisible Victims: White Males and the Crisis of Affirmative Action, did a study on white males that said they were victims of reverse discrimination. Lynch explains that these white men felt frustrated and unfairly victimized by affirmative action. Shelby Steele, another author against affirmative action, wanted to see affirmative action go back to its original meaning of enforcing equal opportunity. He argued that blacks had to take full responsibility in their education and in maintaining a job. Steele believes that there is still a long way to go in America to reach our goals of eradicating discrimination. In 1976, a group of Italian American professors at City University of New York asked to be added as an affirmative action category for promotion and hiring. Italian Americans are usually considered white in the US and would not be covered under affirmative action policies, but the professors believed they were underrepresented. Libertarian economist Thomas Sowell wrote in his book, Affirmative Action Around the World: An Empirical Study, that affirmative action policies encourage non-preferred groups to designate themselves as members of preferred groups [i.e., primary beneficiaries of affirmative action] to take advantage of group preference policies. There are a multitude of supporters as well as opponents to the policy of affirmative action. Many presidents throughout the last century have failed to take a very firm stance on the policy, and the public has had to discern the president\'s opinion for themselves. Bill Clinton, however, made his stance on affirmative action very clear in a speech on July 19, 1995, nearly two and a half years after his inauguration. In his speech, he discussed the history in the United States that brought the policy into fruition: slavery,

Jim Crow, and segregation. Clinton also mentioned a point similar to President Lyndon B. Johnson\'s "Freedom is not Enough" speech, and declared that just outlawing discrimination in the country would not be enough to give everyone in America equality. He addressed the arguments that affirmative action hurt the white middle class and said that the policy was not the source of their problems. Clinton plainly outlined his stance on affirmative action, saying: