

"Affirmative action" refers to policies designed to increase the presence of "underrepresented" demographic groups – such as racial or ethnic minorities and women – in specific sectors of the workforce or in the student bodies of American universities. Affirmative action policies are founded on the premise that any observed imbalance in a given workforce or student body is due, either wholly or in part, to past and/or present discrimination – the remedy for which consists of compensatory preferences in favor of the underrepresented group(s). These measures most commonly take the form of lowered standards (for the hiring, promotion, or admission of members of preferred groups) and set-asides (which reserve or earmark a designated percentage of slots for members of the preferred groups).

Historically, the origins of affirmative action were subtle and incremental. The 1964 Civil Rights Act, which outlawed discrimination on the basis of "race, color, religion, sex or national origin," contained no provisions for compensatory preferences. As legislators prepared to vote on the Act, Senator Hubert Humphrey, a key advocate of the bill, assured his colleagues that the new law "would not require an employer to achieve any kind of racial balance in his work force by giving preferential treatment to any individual or group." Shortly after the 1964 Civil Rights Act was passed, President Lyndon Johnson issued Executive Order 11246, which required federal contractors to adopt color-blind hiring practices. Employers were encouraged to take such "positive steps" as posting advertisements for job openings in places or publications where nonwhites were likely to see them -- so as to equalize employment *opportunities* -- but not to hire by quotas.

Meanwhile, however, the concept of "affirmative action" was simultaneously carving out a niche in the American lexicon. Its precursors were such phrases as "positive effort" and "affirmative program." In 1961 a National Urban League official announced that "being color-blind ... is no longer a virtue. What we need is to be positively color-conscious." A year later the Congress of Racial Equality began pressuring employers to give hiring preferences to blacks as compensation for past discrimination, while Urban League President Whitney Young candidly recommended, for similar reasons, "a decade of discrimination in favor of Negro youth." The NAACP also joined the call for preferences, just a few years after having passionately advocated the color-blind standard in the *Brown v. Board of Education* case of 1954.

In the mid-1960s the Equal Employment Opportunity Commission changed the legal standards by which employment discrimination was to be judged, tacitly endorsing the notion that unequal outcomes were *prima facie* evidence of unfair labor practices. Soon thereafter, both private and public institutions began an elaborate process of adjusting employment and admissions standards in order to give preference to minorities, particularly blacks, to raise their representation in the workplace and in the halls of academia.

This process was driven principally by the courts and the federal government's newly created civil rights divisions. The trend toward preferences continued in the ensuing years. In 1968 the Nixon administration's Labor Department announced its Philadelphia Plan, which set specific "goals and timetables" for hiring in that city's construction industry. That same year, the Office of Federal Contract Compliance Programs (OFCCP) issued its own guidelines containing the terms "goals and timetables" and "representation." These guidelines encouraged preferential hiring. Within two years, the Labor Department codified a "goals and timetables" requirement for all federal contractors, and by 1971 the OFCCP made it clear that the central purpose of such "results-oriented procedures" was to "increase materially the utilization of minorities and women." As the term "equal opportunity" gradually gave way

to "affirmative action," advocates of the latter tended to use both terms interchangeably, thereby blurring any distinctions between them.

Moreover, the definition of "affirmative action" was gradually evolving. No longer meaning "positive steps" taken to publicize employment opportunities in minority neighborhoods, it was transformed into a mandate that required employers, as one Department of Health, Education and Welfare official put it in 1971, to "consider other factors than mere technical qualifications." Increasingly, affirmative action came to mean quotas.

To this day, supporters of affirmative action contend that American society has long been, and remains, rife with discrimination against racial and ethnic minorities as well as women -- and that consequently affirmative action is needed to counterbalance that stubborn reality. They believe that eradicating affirmative action would increase -- to society's detriment -- economic disparities between whites and underrepresented minorities. They argue further that affirmative action is of great benefit to society as a whole, because it brings added diversity to the racial and ethnic composition of the workplace and the campus -- thereby encouraging better relations between whites and nonwhites.

Opponents of affirmative action argue the following:

(a) Affirmative action encourages its beneficiaries to become excessively conscious of their ethnic or racial identity, thereby viewing themselves as separate, aggrieved, victimized enclaves; this, coupled with resentments aroused in members of non-preferred groups, fosters inter-group hostility rather than harmony.

(b) Affirmative action policies tend to benefit mostly those minorities who are already economically and professionally successful, rather than the impoverished and unemployed, in whose name the policies are enacted.

(c) Affirmative action is unjust, sending the message that race- or ethnicity-based double standards are worthy of societal acceptance. These double standards often harm their intended beneficiaries, as in the case of black students who are preferentially admitted to universities for which they are academically underprepared, and who consequently flunk out of school at disproportionately high rates.

(d) Affirmative action takes the focus off the actual causes of inequality and underrepresentation, wrongly ascribing all imbalances to discrimination or racism.

(e) Affirmative action is unnecessary, as evidenced by the fact that black progress (as measured by income, poverty rates, life expectancy, home-ownership rates, and scholastic achievement) was greater during the period between 1940-1960 than in the subsequent era of affirmative action.