

The Impact of Affirmative Action Policies on the African American Community in the US

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Abstract:

The difficulty of race relations in the US is a persistent problem within American society. It is a country where we continue to judge people on the basis of their skin color or ethnicity, and there exist continual differences between whites and African Americans. The issue of equality still contradicts basic American values and ideals proclaimed since the colonial period. Moreover, one of the most controversial issues of equality in the US is Affirmative Action; a series of policies designed to create greater equality of opportunity within the disadvantaged category of American people.

Keywords: *Race Relations; Affirmative Action; Controversial; African Americans; Disadvantaged people.*

Introduction:

African Americans have suffered several hundred years from racism. This can be seen in African Americans' high rates of unemployment, poverty and discrimination all over the past years. Affirmative Action was used against these discriminatory rules which prevented African Americans from benefiting from the same advantages as white people. In other words, it is a set of policies aiming at achieving equal opportunities among White and Black people, in employment, and education mainly.

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Affirmative Action programs have taken root during the early years of the Roosevelt Administration, when President Roosevelt himself began the desegregation of public places such as rest rooms and cafeterias. With the advent of the Second World War, African Americans were asked to fill the employment void as a consequence of the war. Therefore, we can say that the concept of Affirmative Action developed as a result of the changes brought by this war.

Affirmative Action became a major part of governmental action in 1962, when President Kennedy's executive order proclaimed a law not to discriminate against minorities. Student sit-ins, freedom bus rides, and nonviolent protest marches were all what characterized American society at that time.¹

Organizations were formed like the Student Non Violent Coordinating Committee (SNCC),² the Southern Christian Leadership Conference (SCLC),³ and the Congress for Racial Equality (CORE).⁴

The majority of Affirmative Action programs in the 1970's and 1980's were noncontroversial, accepted by most Americans as legitimate attempts to promote equality of opportunity especially for blacks. However, by the end of the 1970's, racism was still part of American society. Some Americans believed that decisions taken by the Supreme Court to strengthen aspects of Affirmative Action generated another form of racism in society.

¹ John Hope Franklin and Genaa Rae McNeil, *African Americans and the Living Constitution* (New York, NY : Smithsonian Institution Press, 1995), p. 215.

² SNCC : An independent organization, emphasizing on voter registration and « freedom schools » in the South. From : Sheila Hardy and P. Stephenson Hardy, *Extraordinary People of the Civil Rights Movement* (New York, NY : Paw Prints, 2007), p. 45.

³SCLC : A group committed to work for nonviolent change. DR King was its president, and Ella Baker its executive director. It also worked to register voters, and organise sit-ins. From : Ibid, p. 45.

⁴ CORE : It had been founded in 1942, by a group of students at the University of Chicago. Deeply influenced by the Indian nationalist leader Mahatma Gandhi's teachings of nonviolent resistance, CORE sought to integrate restaurants, snack bars, lunch counters, and public restrooms throughout the North and the upper South. From : Ron Field, *Civil Rights in America 1865-1980*, (London : Hodder Education, 2002), p.86.

Throughout this research paper, we will attempt to understand the development of Affirmative Action within American society, and try to answer the following questions. The first is: How does Affirmative action operate in American society? The second is: Have Affirmative Action programs been beneficial to the most disadvantaged category of people, especially African Americans? Finally, how does American society continue to take affirmative steps to ban the present effects of previously imposed racial inequality?

We have to mention that Affirmative Action programs were not designed to deal only with the problems of poor black people but also of other minorities. No nation before had ever made diversity itself a source of national identity and unity; moreover, no nation in history had made it so easy for strangers from different cultures to become American citizens. The courageous fight of Blacks and other minorities had succeeded, and it is because of their successful struggle that the US has become a more just nation.

The objectives of this research paper are first, to focus on the persistence of racism, then on the development of Affirmative Action policies within American society, and finally on how these policies have benefited the most disadvantaged category of American people, mainly African Americans.

1. The Background of Affirmative Action:

African people were brought to the US against their will. They were first imported as slaves in the seventeenth century to work in the fields of the English colonists. Since then, slavery remained a controversial issue in the US, until well in the nineteenth century.

After a bloody Civil War (1861-1865), the Thirteenth Amendment abolished slavery in 1865, the Fourteenth Amendment in 1868, stated that all persons born in the US were American citizens. Finally, the fifteenth

Amendment, in 1870, prohibited the states from denying citizens the right to vote because of their color or previous enslavement.⁵

However, Jim Crow laws came soon to replace slavery. These new forms of segregation in the South did not allow African Americans to sit at the same public places as white people. These people were considered as second-class citizens; they went to different schools, ate at different restaurants and had the lowest paid jobs. The South remained segregated until other laws came to relieve Black people from these forms of legal discrimination.⁶

1.1. The Creation of Affirmative Action Policies:

Affirmative Action was created in 1961, and is based on the principle of equality. For example, university applications of students of minority ethnicities are favored to other students. This concept of positive discrimination has taken root out of the struggle for civil rights in the 1960's.

Affirmative Action was designed to create equality of opportunity in American society. Its goal is to deal with the consequences of racism by offering equal employment opportunity for workers, requiring employers not to discriminate on the basis of race, color gender, or national origin. Affirmative Action ensures that those who have been discriminated against and excluded from the American dream now have access to educational and employment opportunity.

The Civil Rights Act of 1964 outlawed discrimination and the Voting Rights Act of 1965 gave Black people the right to vote, banning all forms of discrimination such as literacy tests or poll taxes.⁷ It was hard to

⁵ David Mc Kay, David Houghton and Andrew Wroe, *Controversies in American Politics and Society*, (Oxford, OX : BLACKWELL Publishers, 2002), p.118.

⁶ Ibid., p.119.

⁷ Ibid.

ban the effects of discrimination after several years of racism. President Johnson himself had claimed in his famous speech in 1965 saying that:

Freedom is not enough. Now you are free to go where you want, do as you desire, choose the leaders you please... We seek not just freedom but opportunity. Not just equality as a right and a theory, but equality as a fact and as a result... Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.⁸

However, Affirmative Action had been a controversial issue in the United States, because it had prejudiced White people at the expense of African Americans and other minorities.⁹ Although the issue had created disputes within American society, it is also the subject of a severe legal debate. Proponents of Affirmative Action argue that progress has been made concerning ethnic integration, as the number of minorities having become executives has tripled since 1976.¹⁰ Opponents of Affirmative Action think the opposite way; in 2012, 58 percent of White Americans aged 18 to 24 believed that Whites are discriminated on the same basis as ethnic minorities.¹¹

2. The Development of Affirmative Action in the US:

Although the Civil Rights movement expired by the end of the 1960's winning some victories, African Americans demanded that government apply Affirmative Action measures to try to ban the effects of slavery and segregation.¹² Yet, these measures would produce more ambiguous results than the victories won by the Civil Rights Movement. Affirmative Action is a series of programs designed to provide full and

⁸ Ibid., p.120.

⁹ Jean Eric Branaa, *American Civilization* (Paris : Ellipses, 2015), p.166.

¹⁰ Ibid., p.167.

¹¹ Ibid.

¹² William R. Scott and William G. Shade, *Upon These Shores* (New York, NY : Routledge, 2000), p.390.

equal opportunities in employment, education, jobs for disadvantaged groups, making sure that all candidates are treated equally.¹³

2.1. Segregation in Public Schools:

Education was considered as the key to success for African Americans; indeed, they assumed that education was the best way to ameliorate their lives. During the battle for Civil Rights, Black people fought segregation to gain political and educational rights, so long denied to them.

Segregation in public schools persisted well in the early 1970's. For almost twenty years, from 1955 to 1974, the Court tried to desegregate America's public schools.¹⁴ Forty years after the Brown Decision, segregation of African Americans remained problematic. One is aware that African Americans had given much importance to their children's education, and would persist in asking for equality in the educational system.

It was noticeable that the nation was separated into two societies, one Black and one White, separate and unequal. As a result, job opportunities decreased, public schools deteriorated, and segregation reached its peak.¹⁵

During the 1960's, American education became the focus of an important issue about both the quality of education and its social impact. In the 1970's, the courts considered that busing was a way to achieve integration.¹⁶ Across America, black children were transported to white schools, and white children to black schools. This system spread all over the country, and was used to improve the quality of education.

¹³ Thomas E. Patterson, *We The People* (New York, NY : McGraw-Hill, 2008), p.180.

¹⁴ William R. Scott and William G. Shade, *OP. Cit.*, p. 390.

¹⁵ *Ibid.*, p.387.

¹⁶ *Ibid.*, p.379.

Fifteen years after the Brown Decision that ended segregation in public schools, no more than 5% of America's black children attended schools that were mostly white. This compelled white people to be in constant contact with blacks. In 1972, there was a considerable progress toward integration in rural areas and small cities in the South; however, in large cities, schools remained highly segregated.¹⁷

Given this reality, *Swann v Charlotte- Mecklenburg Board of Education* (1971),¹⁸ the Supreme Court proclaimed that the busing of children was the best way to integrate schools that were previously segregated.¹⁹ We have to refer that Brown affected mainly the South, whereas *Swann* corresponded to northern cities where blacks lived separately from whites.

Swann was established by the National Association for the Advancement of Colored People (NAACP) Legal Defense and Education Fund Inc;²⁰ it helped reduce the level of segregation in America's schools. For example, nearly 40 per cent of black children could go to a school where most of the students were white.²¹ School integration that occurred in the late 1960's and early 1970's was increasing, but by the early 1990's,

¹⁷ Ibid., p.390.

¹⁸ *Swann v. Charlotte Mecklenburg board of Education* : following its ruling in *Alexander v. Holmes county board of Education* (1969), which ordered an immediate end to segregated dual school systems, the Supreme court in its 1971 *Swann* decision permitted busing as a remedy for fashioning interracial schools in districts that had practiced segregation by law. James Swann, a black man, had sued to force Charlotte Mecklenburg, North Carolina, school board to bus black students into white schools and vice versa. The district court ruled against the school board, which then appealed the decision all the way to the Supreme Court. The Court sided unanimously with the local court. President Richard Nixon denounced the decision in a televised address and asked Congress to place a moratorium on busing. His proposal failed, and the *Swann* decision led to the widespread use of busing in the South to achieve integration in education. By the mid 1970's, 47% of the African American students in the South were attending schools with a white majority, a higher percentage than in the North. From : *Harvard Sitkoff, Postwar America* (New York, NY : Oxford University Press, 2000), p.245.

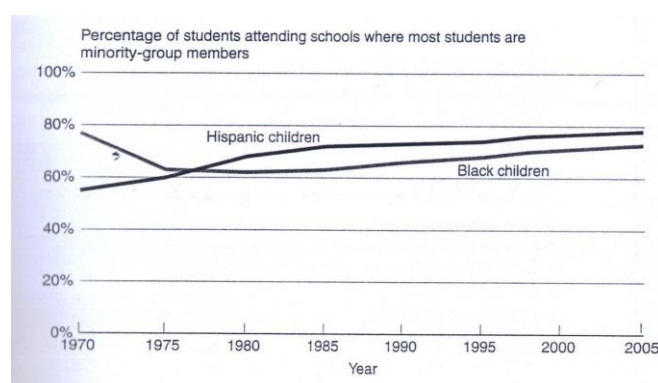
¹⁹ Thomas E. Patterson, OP. Cit., p.185.

²⁰ William R. Scott and William G. Shade, OP. Cit., p. 390.

²¹ Thomas E. Patterson, OP. Cit., p.186.

schools in big cities where most black people lived were more segregated than they used to be in 1968.²²

Figure 01: Segregation in public schools has been increasing



Source: US Department of Education, 2004.

Thomas E. Patterson, *We The People*, (New York: McGraw-Hill, 2008), p. 186.

More than two thirds of black and Hispanic children today attend a school in which most of the students are members of a minority group. An increase in the number of white non-Hispanic students attending private schools and a decrease in race-based busing are factors in the trend.

2.2. Affirmative Action in Schools:

After fighting segregation for nearly twenty years, from 1955 to 1974, the Court adopted busing as the best solution to integrate the schools, and to establish a racial balance in all city schools. However, this system

²² William R.Scott and William G. Shade, OP.Cit., p.392.

became ineffective for desegregating schools.²³ Indeed, by 1974, the American people were against busing, and in the late 1980's, resegregation of the schools began.²⁴

It had been reported that in 2006, more than 40 percent of schools were mostly racially segregated black schools.²⁵ Moreover, the end of busing, and the growing immigration of non- whites, Latinos and Asian Americans led to the resegregation in schools. Affirmative Action programs were used to improve women's and minority groups educational programs during the early 1970's.²⁶ It consisted mainly in rectifying teaching programs and textbooks. Moreover, there was a change in history and literature books that had reported the contribution of women and minorities to American history and culture.

The American government required the hiring of more teachers from minority groups, such as professors at universities and colleges. Affirmative Action programs had helped to afford teacher-training programs, and to increase the number of students completing university degrees. These programs fostered US Supreme Court decisions among them the famous Bakke Decision (1977),²⁷ ruling that it is unconstitutional to increase the number of students from racial minorities in university programs by establishing numerical quotas.

In the 1990's and the first decade of the 21st century, several Affirmative Action programs were eliminated; busing was put aside, racial

²³ David Mauk and John Oakland, *American Civilization An Introduction* (New York, NY : Routledge, 2009), p. 284.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid., p.285.

²⁷ Bakke Decision : Allan Bakke, a White applicant to the University of California at Davis School of Medicine, was denied admission due to the school's Affirmative Action policy. He sued on the grounds that his outstanding academic record was ignored through « reverse discrimination ». In 1978, the US Supreme Court ruled in his favor and ordered the university to enroll him. From : James Ciment, *Atlas of African-American Histroy* (New York, NY : Library of Congress, 2007), p.194.

separation increased and Affirmative Action had more controversial effects than ever before.²⁸

2.3. The Fight for Equal Employment Opportunities:

Employment discrimination had forced civil rights advocates to make more efforts in order to gain more efficient measures banning discrimination. Indeed, African Americans in the North as well as in the South lived in the poorest neighborhoods, being confined to the unskilled, and low-paying jobs, contributing to a high rate of poverty among Black people.

Title VII of the Civil Rights Act of 1964 was entitled to prohibit discrimination in employment, by setting up the Equal Employment Opportunity Commission (EEOC).²⁹ We have to mention that the Civil Rights Act had banned most forms of discrimination in employment and made African Americans benefit from higher earnings among the black population during the late 1960's and early 1970's.³⁰

However, discrimination persisted and became harder to solve within American society. One can say that the 1970's was a less prosperous decade than the 1960's, witnessing a slow economic growth, a rising inflation alarming most Americans who became convinced of the deteriorating economic situation at that time.³¹ White people felt threatened by measures that promised higher benefits for African Americans. As a result, the issue of employment discrimination became a source of controversial views.

Further to the Equal Employment Opportunity Commission of 1964, Congress adopted the Equal Employment Opportunity Act in 1972, allowing the EEOC to launch lawsuits against employers or unions refusing to ban discrimination in employment. Moreover, in 1976, the Supreme

²⁸ Ibid., p.286.

²⁹ William R. Scott and William G. Shade, *OP.Cit.*, p.393.

³⁰ Ibid.

³¹ Ibid.

Court encouraged employment discrimination suits under a federal statute, first established during Reconstruction. This law allowed federal courts to give money as a remedy to victims of discrimination cases.³²

Consequently, employment discrimination increased between 1970 and 1981, helping African Americans to gain more victories concerning equal employment opportunities from the EEOC.³³ In 1971, *Griggs v. Duke Power* was a new case seeking to ban discrimination in employment, in which the Supreme Court proclaimed that requirements that excluded African Americans (for example requiring employees to have a high school diploma or to pass an aptitude test) were unacceptable;³⁴ it also encouraged employers to ban unnecessary employment conditions that used to exclude African Americans. It was cited in that case that:

The objective of Congress in the enactment of Title VII is plain from the language of the statute. It was to achieve equality of employment opportunities and remove barriers that have operated in the past to favor an identifiable group of white employees over other employees. Under the Act, practices, procedures, or tests neutral on their face, and even neutral in terms of intent cannot be maintained if they operate to freeze the status quo of prior discriminatory employment practices.³⁵

Therefore we can say that *Griggs* was considered as the landmark for Affirmative Action. The major events that took place by the end of the sixties, notably the 1967 and 1968 race riots in a number of US cities, the assassination of Robert Kennedy and Martin Luther King, and the growing anti-Vietnam war movement, pushed the nation toward a conservative ideology.

2.4. Affirmative Action and Employment:

In the early 1970's, Affirmative Action programs presented effective yet controversial views in the workplace. These programs were adopted by

³² Ibid.

³³ Ibid.

³⁴ Ibid., p.394.

the EEOC during the early 1970's.³⁶ Employers were required to increase the number of minorities in their workforce by developing recruiting methods.

However, this system was criticized by white American citizens who considered that African Americans and women were given special preferences, and therefore, it produced a reverse discrimination. They also argued that Affirmative Action was a threat to the advancements achieved during the civil rights movement.

It had been reported that white Americans admitted that Affirmative Action programs did not establish formal quotas, and forced employers to recruit black people or women, even if they had no qualifications. This system made race an important condition in recruitment decisions, and transformed American society into a land of mediocrity. On the other hand, proponents of Affirmative Action proclaimed that discrimination against African Americans and women was a sad reality; also, they considered that Affirmative Action was unable to achieve equality between people because high rates of poverty, illiteracy and unemployment were continuous facts of American life.

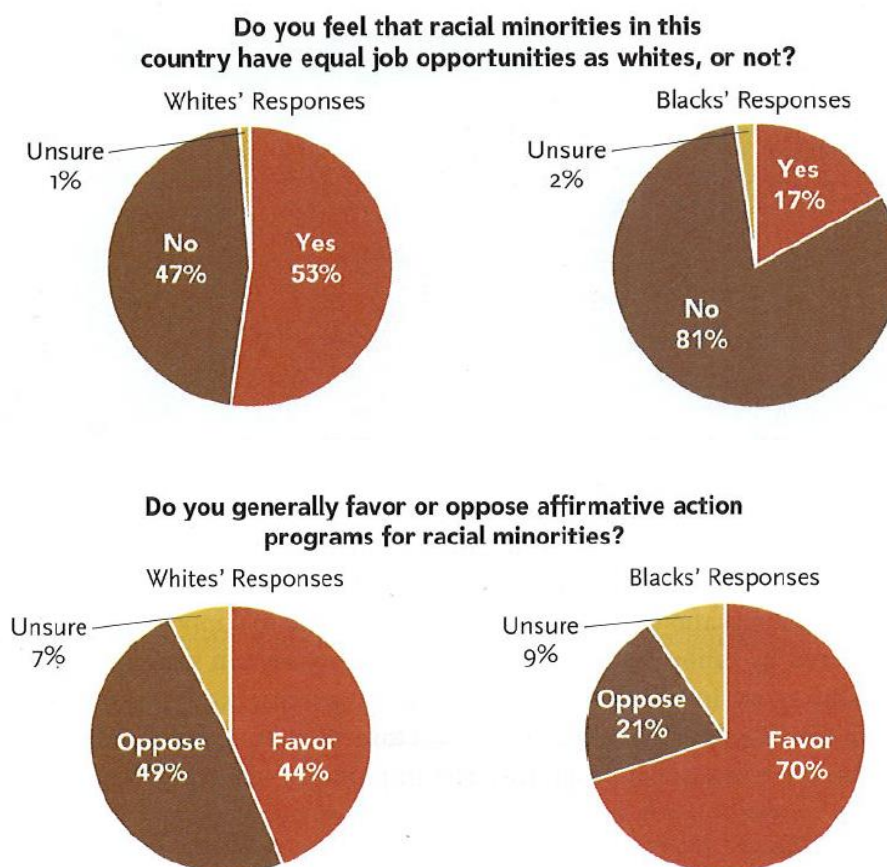
Affirmative Action consisted in measures designed for hiring decisions especially in education, government, and businesses. Illiteracy, unemployment, and high rates of poverty were the context from which these measures emerged.³⁷ Indeed, black people used to live in ghettos where inadequate schooling and high unemployment rendered more difficult to acquire work experience.

³⁵ John Hope Franklin and Genaa Rae McNeil, *OP. Cit.*, p. 216.

³⁶ William R. Scott and William G. Shade, *OP.Cit.*, p. 394.

³⁷ *Ibid.*, p.396.

Figure 02: Disagreement among Blacks and Whites



Source: Theodore J. Lowi, *American Government Power and Purpose*, (New York: Library of Congress, 2011), p. 259.

According to figure 02, blacks and whites in the United States differ on a number of issues. For example, in surveys conducted by the Pew Research Center, clear majorities of Black people think that racial minorities (81%) do not have equal job opportunities as whites, whereas white people think that only 53% of racial minorities have equal job opportunities.

2.5. The Effects of Affirmative Action on African Americans:

Affirmative Action offered African Americans new opportunities in business, labor, education, government, and many professions. African Americans were moving into the mainstream by acquiring the black middle class status.³⁸ Students graduated more than ever before from colleges and professional schools. Consequently, they were recruited by businesses, universities, and government.

However, while some blacks were entering the middle class, poverty and unemployment rates grew among black people during the late 1970's and early 1980's. Affirmative Action could do little for those who had neither skills nor little education. Moreover, the decline of basic industries, like automobile and steel during this decade, had denied access to this category of unskilled black population.

The US has experienced a revolution concerning the social status of minorities in American society. Since *Brown v. Board of Education* of 1954, these groups have been offered equal protection under the law, especially in education, employment, and voting. However, racism hasn't been eliminated from American life.³⁹

Affirmative Action programs have achieved equality for black people, and other minorities. However, it saw the opposition of many white people. Therefore, we can say that despite these advances, true equality for the American people is not yet achieved. Since the 1960's, African Americans didn't have a higher income than whites, in spite of the economic growth, the civil rights movement, and the emergence of the African American middle class.⁴⁰

³⁸ Ibid., p.397.

³⁹ Thomas E. Patterson, *OP. Cit.*, p.188.

⁴⁰ Ibid., p.221.

Thanks to the benefits of Affirmative Action policies, African Americans were hopeful to find middle income jobs in the public field. In 2003, blacks had the same opportunities as whites to be recruited in state or federal government;⁴¹ however, middle class blacks were confronted to economic and social obstacles that whites didn't have to face. For example, in black households, black women were obliged to work full-time in order to have a middle class status, as opposed to white women.

It is said that black people have about eighty percent of white people's assets.⁴² Whites are more likely to benefit from social security and pension checks than blacks. Moreover, young black people are financially responsible to care about their parents instead of receiving inheritance from them. Discrimination continues in housing and banking as most African Americans were refused loans to buy homes.⁴³ Even if Affirmative Action has encouraged integration of black workers, white people still assume that they were appointed on the basis of race, not qualifications.⁴⁴ As a result, African Americans are often isolated in the workplace, and work much more hours than white people.

We have to say that job discrimination remains a serious problem in the US even after the Civil Rights Act of 1964, banning discrimination in employment. It was the same case with housing discrimination, which remained permanent even after the Civil Rights Act of 1968 that made housing discrimination illegal. The most important case of housing discrimination was documented in the aftermath of Hurricane Katrina, in August 2005, showing the destruction of most Black people's homes.⁴⁵

⁴¹ Ibid., p.222.

⁴² Ibid., p 223.

⁴³ Ibid.

⁴⁴ Ibid., p.224.

⁴⁵ David Mauk and John Oakland, OP. Cit., p.98.

Conclusion:

In the second half of the 20th century, Affirmative Action programs had led to a high level of integration of black and white people within American society. This was the greatest social revolution in the history of the United States, leading Black people to reach the upper middle class status. However, even with these improvements, some black people found themselves still suffering from unemployment; poverty, incarceration, and segregation.

The US needs Affirmative Action today more than it needed these measures in the 1960's: non-whites are still barred from many jobs because of the persistence of racism. African Americans and other minorities need to compete with white people in order to benefit from the same advantages concerning Affirmative Action measures. The aim of Affirmative Action is not to privilege minorities over the majority. Its main goal is to create a colour-blind society, where all groups can enjoy equality of opportunity.

On the one hand, proponents of Affirmative Action affirm that the United States is a multicultural society. The large number of immigrants in the twentieth and twenty-first centuries from all around the world has enabled many races and cultures to gain a middle class status within American society. Affirmative Action programs have clearly defined a national debate over how the American nation should integrate all types of immigrants.

On the other hand, opponents of Affirmative Action argue that Affirmative Action aggravates racism and sexism; it is politically divisive, and socially destructive. Moreover, the backlash against affirmative action has done much to harm race relations, creating hostile reactions to these measures. Needless to say that African Americans supported Affirmative Action more than White Americans did. However, many black people still suffer from poverty, whereas, a successful black middle class emerged.

Affirmative Action policies have clear effects on the American values of capitalism, freedom, and choice. America is a country where people succeed according to their talents, not because of their race, or gender. America was founded on the principles of hard work, and freedom of choice, and that what makes the United States a great nation.