

AFFIRMATIVE ACTION – WHY WE NEED IT

Affirmative action means taking positive steps to end discrimination, to prevent its recurrence, and to create new opportunities that were previously denied qualified minorities and women.

Impact

President Lyndon Johnson explained the rationale of affirmative action to achieve equal opportunity in a 1965 speech: "You do not take a person, who for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say 'you are free to compete with all the others,' and still believe that you have been completely fair."

The debate over affirmative action carries enormous implications for the lives of women and people of color, since such programs have created opportunities too long denied them.

The Supreme Court has repeatedly made clear that quotas are illegal and that properly-designed affirmative action programs simply create opportunities for qualified women and people of color.

Background

For most of the nation's history, women and people of color faced insurmountable legal barriers depriving them the ability to compete for positions in colleges and workplaces or for government contracts. Even after these legal obstacles were removed in the 1960s, Congress has repeatedly recognized that women and people of color still encounter systematic illegal discrimination that deprives them an equal opportunity to secure success.

Affirmative efforts to extend equal educational opportunities to qualified women and people of color have significantly increased the participation of underrepresented groups in the mainstream of our society -- to the benefit of our entire nation. Indeed, gains in the employment context have often been made possible by affirmative action programs that have created educational opportunities for women and people of color in colleges, law schools, medical schools, and elsewhere.

In the 1978 [Bakke decision](#), the Court ruled that diversity is a compelling state interest, so when these affirmative efforts extend equal educational opportunities to qualified women and people of color, increasing the participation of under-represented groups in mainstream society, the entire state's interests are served.

Opponents argue that the playing field has *already* been leveled, therefore rendering affirmative action futile. But "judging simply by the results, the playing field would appear to still be tilted very much in favor of white men. Overall, minorities and women are in vastly lower paying jobs and still face active discrimination in some sectors" (Washington Post, October 1998).

To ensure that government contracting does not inadvertently continue this cycle of discrimination, Congress has created several affirmative action programs that help such businesses mature by providing opportunities to compete for and secure federal contracts.

Congressional opponents of affirmative action made several attempts to roll back such programs in the mid-1990s. They were offered under such titles as "[Equal Opportunity Act of 1995](#)" and "[Civil Rights Act of 1997](#)", as well as inserting amendments to additional spending bills. Every one of these attempts was defeated by broad bipartisan majorities in both the House and the Senate.

Opponents of affirmative action in California enacted Prop 209 in 1996, which prohibits all affirmative action programs in employment, education, and contracting. The State of Washington enacted a similar ban. The effect of such efforts soon became clear, as the number of African Americans and Latinos admitted to California's top public universities quickly plummeted.

Recently a similar ban passed in Michigan. AAUW-Michigan worked actively to oppose it with warnings that it was soon to be tried in Arizona, Colorado, Nebraska, Missouri, and Oklahoma. It was called a *Civil Rights Initiative*, which confuses the issue, and said state universities, colleges, and public employers should 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." It is expected that the same language will be used in the Arizona ballot measure if enough signatures are collected.

The ACLU, Arizona League of Women Voters, AAUW, and the Governor's Office of Equal Opportunity oppose it.

Proponents of the Connerly initiative include the Goldwater Institute and Maricopa County Attorney Andrew Thomas, who has been named chairman of Connerly's campaign. They "argue that Dr. King's abhorrence of racism, sexism and tolerance meshes with their belief that race and gender are no longer salient factors in America social life, and therefore, an individual's race, ethnicity or gender should be categorically dismissed when considered for employment or education," as quoted from ACLU publication *Civil Liberties in Arizona*, Vol. No. 36, Winter 2007.

Connerly refocuses affirmative action benefits only on *the poor* as a class, instead of on historically discriminated-against race or gender groups. This takes the focus off of women of all races and their pay equity or hiring issues. This is where we would possibly focus our efforts to maintain affirmative action as it exists today.

AAUW Arizona has joined the local coalition, Protect Arizona's Freedom, to defeat Ward Connerly's efforts. We will need everyone's help. Please contact Linda Blackwell, 602-971-3004, if you can help in any way. Edited from www.civilrights.org

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