

3.13 Affirmative Action



ESSENTIALS

The debate on affirmative action includes justices who insist that the Constitution is colorblind and those who maintain that it forbids only racial classifications designed to harm minorities, not help them.

1. What is the main idea of this cartoon? [Write your response like a claim statement]
2. Find a legal definition of Affirmative Action. Think again about this cartoon. Do you think this cartoonist is for or against Affirmative Action? Explain.

The debate on affirmative action includes justices who insist that the Constitution is colorblind and those who maintain that it forbids only racial classifications designed to harm minorities, not help them.

Find Supreme Court evidence for the following affirmative action positions [quote the case and justice]

“Constitution is colorblind”

“Forbids only racial classifications”

If you were a member of Congress . . . what would your position be on affirmative action? Write a brief press release:

CONCEPT APPLICATION

Affirmative action policies—those designed to increase diversity among employees, students, politicians, or businesses by advantaging candidates from underrepresented social groups—are practiced throughout the world. They are universally controversial. Even among their advocates, they are often introduced or supported as only temporary remedies for existing social inequities. The hope is that a temporary affirmative action program that enhances diversity and reduces inequality between groups can persistently alter those outcomes.

Whether a temporary policy will indeed have persistent effects remains an open question. The theoretical literature primarily focuses on the potential for affirmative action to reduce inequality by incentivizing human capital accumulation for disadvantaged groups. If employers perceive that some group of workers is less productive or have more difficulty screening workers from that group, then the return to human capital investment for members may be inefficiently dampened. A temporary affirmative action regulation can correct those incentives and permanently reduce inequality by eliminating negative stereotypes, though it can also have the opposite effect. While less emphasized in the literature, a transitory intervention can also have persistent effects through employer-level mechanisms that affect the racial composition of employee flows. For example, temporary affirmative action may induce persistent changes in an employer’s recruitment and screening practices or the composition of its referral applicants.

Source: Conrad Miller, “The Persistent Effect of Temporary Affirmative Action

- A. Referencing the scenario, describe the intent and duration intended for affirmative action programs.
- B. Explain how unintended consequences can affect the duration described in part A.
- C. Affirmative Action was established with Executive Order 11246 (1965). Explain how the Supreme Court impacts the enforcement of Affirmative Action Plans.

QUANTITATIVE ANALYSIS

Support Grows for Affirmative Action Programs

% Who say they favor affirmative action for women, minorities

| | 2001 | 2003 | 2005 | 2016 | 2018 |
|----------------------|------|------|------|------|------|
| Favor for Women | 53 | 59 | 59 | 60 | 65 |
| Favor for Minorities | 47 | 49 | 50 | 54 | 61 |

Source: GALLUP

Use the chart to answer the following questions.

- A. Identify a trend regarding support for affirmative action in the United States.
- B. Describe a difference between the % favoring affirmative action programs for women and the % favoring affirmative action programs for minorities.
- C. Draw a conclusion about why support for affirmative is changing as shown in the chart.
- D. Explain how the information in the chart could be used by the Supreme Court to influence their decisions.