

## **The Origins of Affirmative Action**

by Marquita Sykes

*Affirmative action, the set of public policies and initiatives designed to help eliminate past and present discrimination based on race, color, religion, sex, or national origin, is under attack.*

- Originally, civil rights programs were enacted to help African Americans become full citizens of the United States. The [Thirteenth Amendment](#) to the Constitution made slavery illegal; the [Fourteenth Amendment](#) guarantees equal protection under the law; the [Fifteenth Amendment](#) forbids racial discrimination in access to voting. The 1866 Civil Rights Act guarantees every citizen "the same right to make and enforce contracts ... as is enjoyed by white citizens ... "
- In 1896, the Supreme Court's decision in [Plessy v. Ferguson](#) upheld a "separate, but equal" doctrine that proved to be anything but equal for African Americans. The decision marked the end of the post-Civil War reconstruction era as Jim Crow laws spread across the South.
- In 1941, President Franklin D. Roosevelt signed Executive Order 8802 which outlawed segregationist hiring policies by defense-related industries which held federal contracts. Roosevelt's signing of this order was a direct result of efforts by Black trade union leader, A. Philip Randolph.
- During 1953 President Harry S. Truman's Committee on Government Contract Compliance urged the Bureau of Employment Security "to act positively and affirmatively to implement the policy of nondiscrimination . . . ."
- The 1954 Supreme Court decision in [Brown v. Board of Education](#) overturned *Plessy v. Ferguson*.
- The actual phrase "affirmative action" was first used in President Lyndon Johnson's 1965 [Executive Order 11246](#) which requires federal contractors to "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."
- In 1967, Johnson expanded the Executive Order to include affirmative action requirements to benefit women.
- Other equal protection laws passed to make discrimination illegal were the [1964 Civil Rights Act](#), Title II and VII of which forbid racial discrimination in "public accommodations" and race and sex discrimination in employment, respectively; and the [1965 Voting Rights Act](#) adopted after Congress found "that racial discrimination in voting was an insidious and pervasive evil which had been perpetuated in certain parts of the country through unremitting and ingenious defiance of the Constitution."

Much of the opposition to affirmative action is framed on the grounds of so-called "reverse discrimination and unwarranted preferences." In fact, less than 2 percent of the 91,000 employment discrimination cases pending before the [Equal Employment Opportunities Commission](#) are reverse discrimination cases. Under the law as written in Executive Orders and interpreted by the courts, anyone benefiting from affirmative action must have relevant and valid job or educational qualifications.

<http://www.now.org/nnt/08-95/affirmhs.html>