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Affirmative Action: A "Helping Hand"
or a "Hand-out"?

Jordan A. Chamberlain*

Through its application in the realms of education and employment, affirmative action has not only helped to level the playing field of opportunities but has also provided the helping hand minorities need.

The Civil Rights Act of 1964 made discrimination on the basis of race unlawful. President Lyndon Johnson spoke of this disadvantage saying, "You do not take a man who for years has been hobbled by chains, liberate him, bring him to the starting line of a race, saying, "You are free to compete with the others", and still justly believe you have been completely fair."

The objective of the Civil Rights Movement was to eradicate the prejudice and bigotry that had plagued minorities for centuries in America. Proponents of the movement hoped for a world in which it would be common for both black and white students to graduate from the same university, hold the same occupation, and earn the same salary. But a look at the disparity between opportunities for white people and opportunities for minorities will show that equality has yet to be realized. For centuries minorities have been fighting with one hand tied behind their backs. The purpose of affirmative action is to take a proactive approach to level the playing field for minorities. Affirmative action can help minorities use their other hand by improving educational and employment opportunities.

To solve the problem of discrimination in society, the educational playing field must be leveled first. This allows minorities to compete fairly, which today's society they clearly cannot. For example, the average income of Hispanic females with college degrees is less than the average income of white males with high school degrees. It is evident that a higher degree of education does not necessarily earn everyone a higher salary. This discrimination makes it nearly impossible for minorities to achieve economic equality, or even social equality. A study published in the American Economic Review states that the median white household wealth—the net worth of everything owned in the home—exceeds $10,000, while the median black household wealth is near zero, proving that there is an unfair advantage in favor of Caucasians. Thus, when a deficit of this magnitude exists between ethnic groups, a problem exists.

Even at early ages, minorities find themselves separated by race. In Nathan Kozol's book, Savage Inequalities, a girl describes her school's environment as being atrocious, "We have a school in East St. Louis called Dr. King. The school is full of sewer water and the doors are locked with chains. Every student in that school is black. It's a terrible joke on history." Dr. Martin Luther King once spoke of his dream that black and white children would one day join hands in respect and equality. However, minorities are often paid less as a result live in poorer areas. They are then segregated from Caucasian children because a school's funding is directly affected by the wealth of its location. As a result, minorities often do not receive an education equal to their Caucasian peers due to this lack of funding. This problem has been perpetuated to the point where many of California's urban area schools have filed suits contending that they have had a lack of the "minimal standards" needed to provide an adequate education. The problems range from too few classes to vermin infestation in classrooms. Conditions like this make it difficult

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5 Ibid., 29.

* Jordan Ashley Chamberlain is a sophomore majoring in international relations. Jordan is from Roseville, CA. She plans to become a lawyer with emphasis on human rights advocacy.
 dificult to achieve a good education. Without this benefit of an education with which they can compete, minorities are at a large disadvantage when it comes to college admissions that can ultimately impact their employment opportunities.

School districts have responded to this problem in several ways. The Los Angeles Unified School District (LAUSD) began busing students from poor areas in downtown Los Angeles into the suburban schools of the San Fernando Valley. This two-hour bus ride was hard on the inner-city kids who had to wake up at four o’clock in the morning to catch their bus. This system, however, had a positive effect on those involved—both inner-city students and suburban students. Because of the melding together of two different ways of life the students received an experience that would benefit them the rest of their lives. They learned how to relate to other people from different backgrounds and enrich their understanding of the world they live in. This is ultimately what affirmative action seeks to achieve. Leveling the playing field not only benefits minorities, it encourages greater ingenuity and fosters better understanding.

Affirmative action can also have the same benefit in the economic sphere as it does in education. Education and economics are inseparable; this link between the two has resulted in much of the inequality that exists between minorities and Caucasians. The unchecked discrimination that occurred previous to 1964 created a vicious cycle for minorities in which low-paying jobs led to low education and low education led to low-paying jobs. By instituting affirmative action in both education and business this cycle that has perpetuated inequality can finally be broken.

Just as affirmative action has far-reaching benefits in education it can have far-reaching benefits in business. Mike Shum and Jacqueline Waites Moss, employees of IBM, say, “Our strategic imperative says emerging markets are growing—minorities and women encompass a $1.3 trillion market—and we cannot afford to ignore that. We need the best team on the ground working to meet our business objectives.” Thus, by hiring a variety of races, a business comes closer to understanding their consumers and excels in the world of business.

Affirmative action programs do not force people to hire unqualified minorities; instead they encourage today’s society to reassess how qualifications are measured. A study published in Jet Magazine notes, “When asked to rate job performance, supervisors at the firms using affirmative action said that minority employees handled their jobs as well as other employees.” For these supervisors the question is not whether minorities are equally as capable as whites. Rather the question is how they can integrate these minorities and give them a fair chance. Mary Alice O’Neil, the former head of IBM’s affirmative action policy, says, “My job at IBM was not to find minorities to fill a specific percentage but it was to find as many qualified competent minorities that would offer IBM something while working there.” Minorities who receive their education at less prestigious colleges can still add value to the workplace. Often, the result is a well-rounded group that produces more than what is expected from them.

It is important to look at how far minorities have come since the implementation of affirmative action. Hiring rates of minorities have significantly increased. For example, the number of black electricians tripled from 14,145 to 43,276, while the number of black police officers moved from 23,796 to 53,855 from 1970 to 1990. The jobs these minorities have will affect where they live and the kind of education their children will receive. It is likely that their children will go on to become highly skilled workers in America’s economy and continue to help minorities break free from the inequality that has plagued them for so long.

Affirmative action has been beneficial to America. We as a nation have taken huge strides toward equality over the past few decades, and affirmative action has had an important role in this passage. Through its application in the realms of education and employment, affirmative action has not only helped to level the playing field of opportunities but has also provided the helping hand minorities need. This proactive approach to diversity and

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6 Interview conducted by author with Mr. Jerome Thompson and Ms. Patricia Martinez, March 7, 2005.
8 “Employees hired under affirmative action work as well as those who are not study finds.” Jet (13 July 1998), 1.
9 Ibid., 1.
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equality is still progressing along with society. It is the best way to allow everyone the universal right of life, liberty, and the pursuit of happiness.

The Right to Equal Concern and Respect:
The Foundation of Affirmative Action

Joshua Marshall*

Affirmative action creates a just society only if its factual realization anchors upon the fundamental principle of the right to equal concern and respect.

President Lyndon B. Johnson originally introduced affirmative action in 1965 when he stated, "we seek... not just equality as a right and a theory, but equality as a fact and as a result." As President Johnson noted, two ideas compose the definition of affirmative action: the principle of equality and the facticity of equality—equality as a fact present in the real world. Affirmative action has within its scope the capacity to bring both ideals of equality and of justice into the American society.

However, the success to which affirmative action produces equality and justice depends upon how closely its enforcement and court rulings remain true to the principle from which affirmative action stems—namely the right to equal concern and respect. Affirmative action creates a just society only if its factual realization anchors upon the fundamental principle of the right to equal concern and respect. First, this essay focuses on the right to equal concern and respect. Second, it focuses on how affirmative action moves from principle to the factual realization of equality and justice in American society.

The Principle of Equal Concern and Respect

Legal philosophers often argue about the origins of law. Some theorists believe that law stems from a social contract and entitlement to protection:

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