

Redefining Equality: From Black Power to Affirmative Action

How did civil rights activists change their strategies and goals in the 1960s and 1970s, and how successful were they in achieving racial equality?

Introduction



When Stokely Carmichael first spoke of black power in 1966, Martin Luther King Jr. had some reservations. "I don't believe in black separatism," he said. "But certainly if black power means the amassing of political and economic power in order to gain our just and legitimate goals, then we all believe in that."

James Meredith, the first African American graduate of the University of Mississippi, began a campaign he called the March Against Fear in

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1966. He planned to walk from Memphis, Tennessee, to Jackson, Mississippi, and encourage African Americans he met along the way to assert their rights by registering to vote. Meredith was shot by a sniper only 30 miles out of Memphis. Although he ultimately survived the attack, he was hospitalized.

A number of civil rights leaders stepped up to complete Meredith's march following his hospitalization. Among them were Dr. Martin Luther King Jr. and Stokely Carmichael, the young leader of the Student Nonviolent Coordinating Committee (SNCC). On their first day of the march, an angry policeman knocked King down. Carmichael prepared to retaliate, only to be stopped by other marchers and scolded by King for straying from their nonviolent strategy. To Carmichael, the incident was unassociated with nonviolence, insisting, "It was about self-defense."

For days thereafter, the marchers endured insults and threats from angry whites. When they reached Greenwood, Mississippi, Carmichael was arrested while trying to set up a tent for the night. "By the time I got out of jail," he recalled, "I was in no mood to compromise with racist arrogance." The night of his release, Carmichael addressed a rally in Greenwood, declaring, "It's time we stand up and take over. We been saying freedom for six years and we ain't got nothin'. What we gonna start saying now is **black power**." He asked the crowd repeatedly, "What do you want?" Each time the crowd roared back, "Black power!"

Carmichael's speech and the crowd's response reflected a turning point in the civil rights movement. For over 10 years, the movement's leaders had favored a strategy of nonviolence, with integration as their primary goal. In referring to black power, Carmichael signaled change in what many blacks wanted and how they would achieve their new goals.



Here, African American women raise their fists in what became known as the Black Power salute.

1. The Nation's Black Ghettos Explode

In 1963, African American writer James Baldwin published an essay on being black in the United States. Baldwin reminded readers that blacks had waited far too long for equality and warned that if the United States did not live up to its ideals soon, it could cause an eruption of violence:

If we—and now I mean the relatively conscious whites and the relatively conscious blacks . . . do not falter in our duty now, we may be able, handful that we are, to end the racial nightmare . . . If we do not now dare everything, the fulfillment of that prophecy, re-created from the Bible in song by a slave, is upon us:

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*God gave Noah the rainbow sign,
No more water, the fire next time!*

—James Baldwin, *The Fire Next Time*, 1963

Indeed, fire did erupt when anger over slow progress and the federal government's weak support for civil rights boiled over. Beginning in 1964, African Americans sparked violent protests in cities nationwide.



Riots erupted around the nation following the Watts riots in Los Angeles. In this image, a trio of National Guardsmen march down a Watts street, walking among the rubble and burnt waste of shops and businesses. The Watts riot lasted for six days and resulted in the deaths of 34 people.

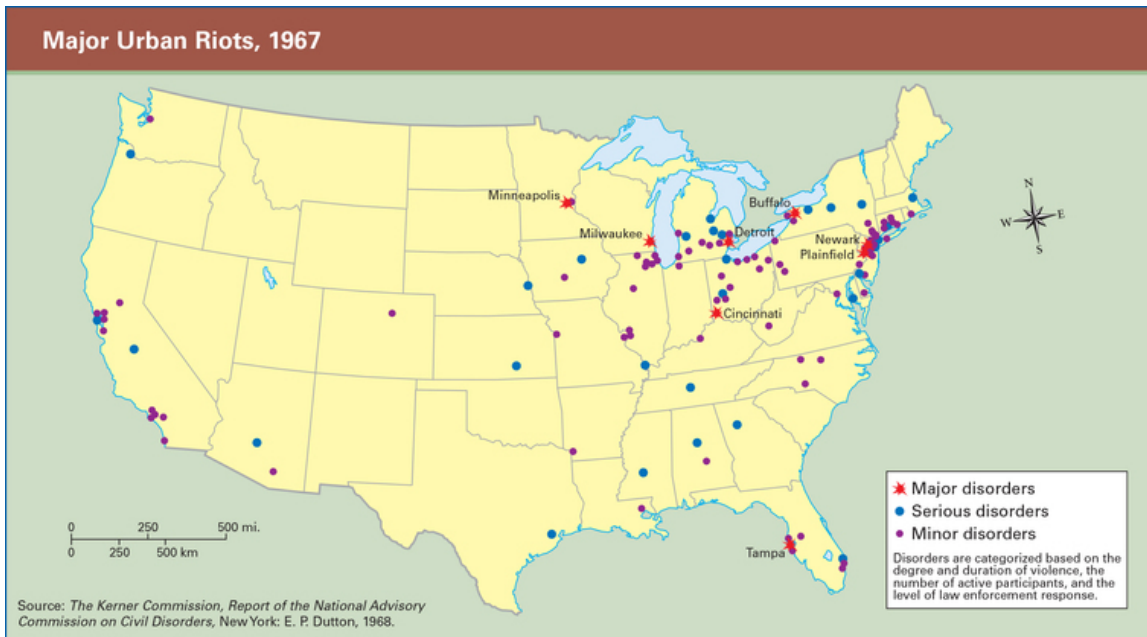
From Watts to Newark: Riots in the Streets Almost 70 percent of African Americans lived in large cities in the 1960s. Urban blacks were often concentrated in ethnic **ghettos**, or parts of a city where people belonging to a single ethnic group live. People sometimes live in ethnic ghettos to be among people who share their culture, but oftentimes they live in these neighborhoods because social and economic conditions prevent them from moving elsewhere. This was true for African Americans—due to job discrimination, many could not afford to live anywhere else. Even those with good jobs found it nearly impossible to purchase a home in white neighborhoods.

In August 1965, a race riot exploded in Watts, an African American ghetto in Los Angeles. The immediate cause of this riot was a surge in

police brutality, while the more long-term causes stemmed from African Americans' festering frustrations about poverty, prejudice, and police mistreatment.

The **Watts riot** lasted for six days. During that time, 34 people died, almost 900 were injured, and nearly 4,000 were arrested. Rioters burned and looted whole neighborhoods, resulting in \$45 million of property damage. The rioting only ended when 14,000 members of the National Guard were sent to Watts to restore order.

Over the next few years, riots erupted in other cities. In 1967 alone, more than 100 cities experienced violent protests. During a riot in Detroit, Michigan, 43 people died and over 1,000 were wounded. Eventually the army suppressed the riot by sending in tanks and soldiers with machine guns. Similar riots in Newark, New Jersey, lasted six days and resulted in many deaths and injuries.



From riots in Harlem and Rochester, New York, in 1964, racial unrest spread from the North to cities across the nation. This map pinpoints major riots as well as other disturbances that occurred in 1967. The murder of Martin Luther King Jr. in 1968 triggered the worst violence of the decade, after which racial unrest largely subsided.

The Kerner Commission Report: Moving Toward Two Societies

In response to continued rioting in the summer of 1967, President Lyndon Johnson, or LBJ, established the National Advisory Commission on Civil Disorders to examine the cause of the riots. This commission,

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which became known as the **Kerner Commission** after its leader Governor Otto Kerner of Illinois, issued a final report in 1968 that concluded: “Our nation is moving toward two societies, one black, one white—separate and unequal.”

After further investigation, the commission found that riots were often provoked by a specific event stemming from a “reservoir of underlying grievances”:

Social and economic conditions in the riot cities constituted a clear pattern of severe disadvantage for Negroes compared with whites . . . Negroes had completed fewer years of education and fewer had attended high school. Negroes were twice as likely to be unemployed . . . and were more than twice as likely to be living in poverty. Although housing cost Negroes relatively more, they had worse housing—three times as likely to be overcrowded and substandard.

—National Advisory Commission on Civil Disorders, 1968

The report cited the civil rights movement’s “unfulfilled expectations” as a cause of rioting. It stated that when civil rights expectations were not addressed, some African Americans turned to violence as a way to “move the system.”

The commission called on the country to address the inequalities that the riots exposed, urging, “It is time now to turn with all the purpose at our command to the major unfinished business of this nation. It is time to make good the promises of American democracy to all citizens—urban and rural, white and black, Spanish-surname, American Indian, and every minority group.”



As a Black Muslim minister, Malcolm X supported black nationalism, saying, “The only way the black people who are in this society can be saved is not to integrate into this corrupt society but separate ourselves from it, reform ourselves, lift up our moral standards and try and be godly.” His ultimate goal differed from Martin Luther King Jr.’s fight for integration with whites. Later, Malcom X separated from the Black Muslims to initiate a broad, nonracial appeal for human rights.

2. The Rise of Black Power and Black Pride

Martin Luther King Jr. visited Los Angeles after the Watts riot to investigate what had happened and why, but King was booed by Watts residents who had lost faith in his strategy and goals. Nonviolent resistance eroded barriers to integration in the South. But these victories had taken ten years, and many urban blacks were impatient for change. Plus, they were unsure whether they wanted to integrate into a white society that they deemed racist and corrupt. As activism spread beyond the South, the civil rights movement was changing.

Malcolm X Advocates Black Nationalism One of the foremost leaders in driving civil rights change was a former convict named Malcolm X. Born in 1925 as Malcolm Little, Malcolm X strayed into a life of crime during his teenage years and was eventually arrested and jailed. In prison, he was introduced to the teachings of Elijah Muhammad, the leader of a religious group known as the **Nation of Islam**, or Black Muslims. Muhammad asserted that blacks were Earth's first people, but that they had been tricked out of power and long oppressed by evil whites. Of Muhammad's appeal to African American convicts, Malcolm X later wrote,

Here is a black man caged behind bars, probably for years, put there by the white man . . . You let this caged up black man start thinking, the same way I did when I first heard Elijah Muhammad's teachings: let him start thinking how, with better breaks when he was young and ambitious he might have been a lawyer, a doctor, a scientist, anything . . . That's why black prisoners become Muslims so fast when Elijah Muhammad's teachings filter into their cages . . . "The white man is the devil" is a perfect echo of that black convict's lifelong experience.

—Malcolm X, *The Autobiography of Malcolm X*, 1964

After discharge from prison in 1952, Malcolm Little joined the Nation of Islam. He also changed his name to Malcolm X, stating that "Little" was the name of a white slave-owner. He chose X because "a Negro in America can never know his true family name, or even what tribe he was descended from." He quickly became the Nation of Islam's most effective preacher. In 1959, he was featured in a weeklong television special called *The Hate That Hate Produced*, which garnered

widespread attention for Malcolm and the Nation of Islam.

As a Black Muslim, Malcolm X rejected the goals of the early civil rights movement. Rather than seek integration, the Nation of Islam promoted **black nationalism**, a doctrine that called for complete separation from white society. Black Muslims worked to become independent from whites by establishing their own businesses, schools, and communities.

Malcolm X also rejected nonviolence as a strategy to enact change. Speaking to a group of black teenagers in New York City in 1964, he said,

If the leaders of the nonviolent movement can go to the white community and teach nonviolence, good. I'd go along with that. But as long as I see them teaching nonviolence only in the black community, we can't go along with that . . . If black people alone are going to be the ones who are nonviolent, then it's not fair. We throw ourselves off guard. In fact, we disarm ourselves and make ourselves defenseless.

By the time of this speech, Malcolm X had split with the Nation of Islam. During a pilgrimage to the Muslim holy city of Mecca in 1964, he met Muslims of all races, including “blonde-haired, blue-eyed men I could call my brothers.” Upon his return home, Malcolm X converted to orthodox Islam and reached out to people of all races, making a broader call for human rights. This shift upset many Black Muslims, and in 1965, three members of the Nation of Islam assassinated Malcolm X while he was speaking in New York City.

SNCC Stands Up for Black Power A year after Malcolm X's death, SNCC leader Stokely Carmichael introduced black power to the civil rights movement. Black power had a variety of meanings, including political power, economic power, and pride in being black. In a speech discussing black power, Carmichael observed that,

This country knows what power is. It knows it very well. And it knows what Black Power is 'cause it deprived black people of it for 400 years. So it knows what Black Power is . . .

We are on the move for our liberation . . . The question is, Will white people overcome their racism and allow for that to happen in this country? If that does not happen, brothers and sisters, we have no choice but to say very clearly,

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“Move over, or we’re going to move on over you.”

—Stokely Carmichael, speech in Berkeley, California, 1966

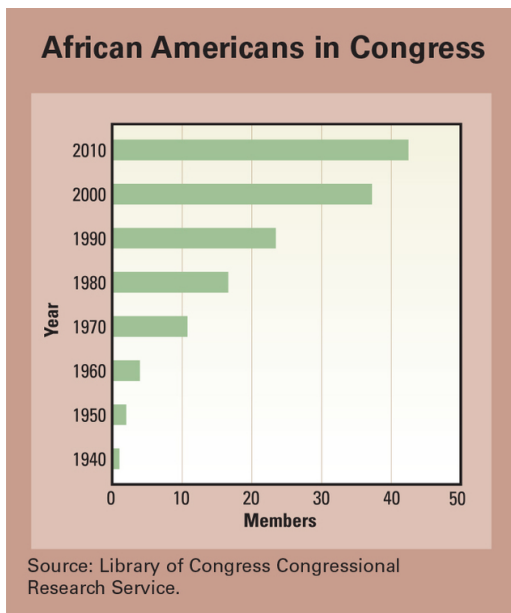
Carmichael later converted SNCC from an integrated organization to an all-black organization. “We cannot have white people working in the black community,” he argued. Black people must be seen in positions of power, doing and articulating [speaking] for themselves.”



The Black Panthers were militant black nationalists who called for economic and political equality for African Americans. The organization’s 10-point platform detailed goals of black self-determination. Members dressed in military-style clothing and often carried guns as a symbol of black power.

Black Panthers Work for Self-Determination Bobby Seale and Huey Newton were two of the many African Americans Malcom X had influenced. In 1966, they founded the **Black Panther Party** in Oakland, California, so named in order to send the world a message. An early supporter explained, “The black panther was a vicious animal, who, if he was attacked, would not back up. It was a political symbol that we were here to stay and we were going to do whatever needed to be done to survive.”

The Black Panther Party developed a 10-point platform outlining its goals. The first and last points focused on self-determination. “We want freedom,” the platform began. “We want power to determine the destiny of our Black Community.” Other demands included jobs, decent housing, “education that teaches our true history,” and “an immediate end to police brutality.” The platform also called on the United Nations to supervise a **plebiscite**, or a vote on a question of importance, among African Americans to determine “the will of black people as to their national destiny.”



The civil rights movement increased the number of black voters, which led to the election of more African Americans to Congress. When the Congressional Black Caucus was founded in 1969, it had only 13 members. By 2017, it had grown to 49.

While the Black Panthers provided services for blacks in their community, including establishing medical clinics and free children’s breakfast programs, they were best known for their efforts to end police mistreatment of blacks. To monitor street interactions between police and black citizens, they sent observers carrying law books to provide information about people’s rights, tape recorders to document what

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was said, and shotguns to demonstrate that they were prepared to defend themselves.

Because the Black Panthers carried weapons and were willing to challenge police, law enforcement agencies viewed them as dangerous radicals. Local police and FBI agents often raided Panthers' offices and homes, and when police confrontations turned violent, the Panthers involved were arrested and jailed. With its legal troubles mounting, the Black Panther Party dissolved by the mid-1970s.

Black Power at the Polls Brings Political Gains Many African Americans believed that the concept of black power translated to black political influence. Supported by the Voting Rights Act of 1965, civil rights groups organized voter-registration campaigns across the South, raising the number of southern blacks registered to vote from 1 million in 1964 to 3.1 million in 1968.

Across the United States, African American candidates successfully campaigned for both black and white votes. Edward Brooke of Massachusetts was elected to the Senate in 1966, becoming the first black senator since 1881, and two years later, Shirley Chisholm of New York became the first black woman to be elected to the House of Representatives. In 1969, African American House of Representatives members founded the Congressional Black Caucus, which has worked over the years to address legislative concerns of African American citizens.



In 1968, Shirley Chisholm became the first black woman elected to Congress. Chisholm was one of a growing number of African Americans elected to political office as a result of the civil rights movement. In 1972, Chisholm ran for president.

Black politicians also proved victorious in state and local elections. In 1967, Carl Stokes of Cleveland, Ohio, became the first black mayor of a major U.S. city, and six years later, Tom Bradley became the first black mayor of Los Angeles. Bradley won by forging a powerful coalition that included inner-city blacks, the Jewish community, and business and labor leaders. "He built bridges to whites and to other groups," noted a political scientist, "without ever losing his commitment to the black community." Bradley was reelected four times, serving as mayor for 20 years.

African Americans also rose to prominence in the judicial branch of government. Thurgood Marshall, who had argued *Brown v. Board of*

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Education as the NAACP's lead attorney, was appointed as the first black Supreme Court justice in 1967.

Black Pride: The Growth of Afrocentrism For many African Americans, black power included taking pride in their African heritage. This emphasis on African history, African culture, and the achievements of African peoples and their descendants in the United States came to be known as **Afrocentrism**. Afrocentric scholars argued that most schools' history curriculum ignored the many contributions of African peoples. In their view, Afrocentrism helped to balance the Eurocentric, or European-centered, view of the past long taught to both black and white American schoolchildren.



Kwanzaa is an African American holiday that celebrates the rich history of African culture and tradition in America. During Kwanzaa's seven-day duration each year, African Americans emphasize seven principles of their culture. This picture displays a traditional Kwanzaa setting.

African Americans displayed pride in their heritage in numerous ways. College students advocated for African and African American studies classes, while museums began to exhibit African American history and art. Many blacks also dressed in traditional African clothing, wore their hair in African styles called Afros, and exchanged their Eurocentric names for Afrocentric ones. In 1966, a black scholar invented an

Afrocentric holiday called Kwanzaa, which occurs each year between December 26 and January 1. During Kwanzaa, black Americans celebrate seven principles of African American culture, including faith, creativity, and unity.

Black writers expanded Afrocentric culture by writing about their experiences. Poets like Nikki Giovanni and playwrights like Amiri Baraka and August Wilson embedded the struggles of African Americans into their poems and plays. Novelists like Maya Angelou, Toni Morrison, and Alice Walker wrote popular novels about both past and present African American culture.

Roots, a 12-hour television miniseries on African American life, became one of the most highly rated shows in television history upon its release in 1977. Based on a historical novel by Alex Haley, *Roots* followed several generations of an enslaved black family. More than 250 colleges planned courses around the broadcasts, and over 30 cities declared official “*Roots*” weeks. Former president of the Urban League Vernon Jordan called the miniseries “the single most spectacular educational experience in race relations in America.”

3. The Federal Government Confronts Racism

On March 31, 1968, Martin Luther King Jr. preached at the National Cathedral in Washington, D.C. In his sermon, King spoke frankly about racism:

It is an unhappy truth that racism is a way of life for the vast majority of white Americans, spoken and unspoken, acknowledged and denied, subtle and sometimes not so subtle . . . Something positive must be done. Everyone must share in the guilt as individuals and as institutions . . . The hour has come for everybody, for all institutions of the public sector and the private sector to work to get rid of racism.

—Martin Luther King Jr., “Remaining Awake Through a Great Revolution,” 1968

That hour never came for King. Four days later, he was assassinated in Memphis, Tennessee, while attempting to support a sanitation workers’ strike. Ensuing riots erupted in over 100 cities, including Washington,

D.C. As dawn broke on April 6, 1968, a thick pall of smoke hung over the nation's capital. In the wake of this tragedy, the federal government increased its efforts to end racism and discrimination in American society.

Banning Racial Discrimination in Housing Before his death, King shifted focus from integration to economic equality. As part of this campaign, he took on racial discrimination in housing. African Americans faced challenges to purchase or rent homes in many white neighborhoods. Landlords often refused to rent to blacks. When they found homes to purchase, banks were reluctant to give loans to black applicants.

Under King's leadership, the black community united with realtors and bankers to encourage open housing in Chicago. But very little actually changed. Days after King's assassination in 1968, Congress utilized King's efforts and the current nationwide grief to pass the **Civil Rights Act of 1968**. This law stipulated a fair-housing clause that banned discrimination in housing sales and rentals and gave the federal government authority to file lawsuits against fair-housing offenders.

Desegregating Public Schools In 1954, the Supreme Court ruled in *Brown v. Board of Education* that school segregation was unconstitutional, ordering schools a year later to desegregate "with all deliberate speed." Despite this order, a decade later only 1.2 percent of black children in the South attended integrated schools.

The Civil Rights Act of 1964 enabled the federal government to enforce school desegregation. Government officials pressured school districts to integrate by threatening to withhold federal funds if they failed to comply. By 1968, the percentage of African American students in the South attending integrated schools had risen to 32 percent.

However, the Supreme Court was beginning to lose patience with school districts that were slow to integrate. In the 1969 case *Alexander v. Holmes County Board of Education*, involving a segregated Mississippi school district attempting to delay integration, the Court reconsidered "with all deliberate speed." In the Court's decision, Justice Hugo Black wrote,



Protests against desegregation left this newly integrated classroom with only African American students. School desegregation was slow after the Court's ruling in *Brown v. Board of Education*, especially in the South. Southern school districts often resisted desegregation, in varying degrees.

There are many places still in this country where the schools are either “white” or “Negro” and not just schools for all children as the Constitution requires. In my opinion there is no reason why such a wholesale deprivation of constitutional rights should be tolerated another minute. I fear that this long denial of constitutional rights is due in large part to the phrase “with all deliberate speed.” I would do away with that phrase completely.

—*Alexander v. Holmes County Board of Education*, 1969

Three years later, the Supreme Court debated school segregation in *Swann v. Charlotte-Mecklenburg Board of Education*. This case raised the question of whether de facto segregation caused by housing patterns was constitutional. In North Carolina's Charlotte-Mecklenburg School District, most children lived in predominantly white or black

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neighborhoods and attended all-white or all-black schools. In 1970, a federal judge ordered the district to integrate its schools through busing, establishing a desegregation plan by which some students, including very young ones, would be bused to schools outside their neighborhoods to create racial balance.

The school district appealed to the Supreme Court, arguing that the judge overstepped. In 1971, the Court delivered a unanimous decision that upheld the judge's busing plan. "We find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation," wrote Chief Justice Warren Burger. "Desegregation plans cannot be limited to walk-in schools."



Many school districts used busing methods to integrate schools. These children are being bused to a school in North Carolina in 1975. NAACP leader Ruth Baston favored busing because schools in white neighborhoods were better than schools in black neighborhoods. She observed that where "there were a large number of white students, that's where the care went. That's where the books went. That's where the money went."

Using Busing to Achieve Racial Balance in Schools The Court's

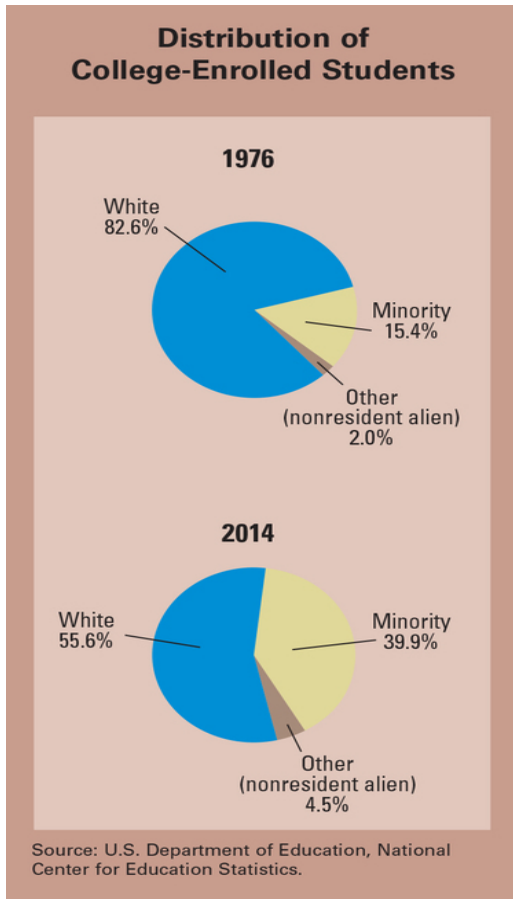
approval of busing to integrate schools generated controversy. Supporters argued that busing was useful for ending school segregation, quoting studies that showed black children received higher test scores when attending integrated schools. But many parents, black and white, strongly believed their children should attend schools close to home. They worried about the effects of long bus rides, especially on young children, and feared for the safety of children bused into unfamiliar neighborhoods.

Nowhere was resistance to busing stronger than in the city of Boston, Massachusetts. In 1974, a judge ordered the busing of 17,000 Boston children to desegregate the city's schools, an order that many white families opposed. Resistance was particularly strong in South Boston, a mostly white neighborhood.

When school began at South Boston High School that fall, 90 percent of its white students boycotted classes, while black students walking from class to board buses home were pelted with rocks. A white student was stabbed in a racial confrontation at the school later that year, inciting an angry white mob that trapped 135 black students in the school building for four hours. A force of 500 police officers was sent to South Boston High—which had only 400 students—to maintain order.

Over the next two years, an estimated 20,000 white students left Boston's public schools entirely to avoid busing. Some attended private schools, while others moved with their families to the suburbs. As a result, blacks and Hispanics comprised the majority of Boston's school population by 1976.

Despite public resistance, courts continued to enforce the *Brown* decision. By 1976, almost half of black students in the South attended schools with a majority of white students. In comparison, only 27.5 percent of black students in the Northeast attended integrated schools.



Affirmative action policies increased the number of minority students attending U.S. colleges and universities. In 1978, the Supreme Court ruled in *Regents of the University of California v. Bakke* that race could be a criterion for school admissions as long as it was not the only factor considered. Note that the term “nonresident alien” in the graphs refers to foreign students.

Fighting Racism in the Workplace Through Affirmative Action

The Civil Rights Act of 1964 outlawed hiring discrimination based on race, religion, gender, or national origin, but many argued that simply

“leveling the playing field” was inadequate. As President Lyndon Johnson observed in a speech to graduates of Howard University,

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’re free to compete with all the others,” and still justly believe that you have been completely fair. Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.

—Lyndon Johnson, Howard University, 1965

Johnson argued for stronger legislation to counteract discrimination that had long denied equal opportunities to minorities. One policy by which to achieve this was known as **affirmative action**, which called on employers to actively seek to increase the number of minorities in their workforce.

Affirmative action was first introduced by President John F. Kennedy in 1961, when he issued an executive order requiring that contractors working with the federal government “take affirmative action” to hire minorities. President Johnson expanded upon Kennedy’s policy by including women, and he also required contractors to possess written affirmative action plans. “This is the next and more profound stage of the battle for civil rights,” Johnson said. “We seek . . . not just equality as a right and a theory, but equality as a fact and as a result.”

President Richard Nixon significantly furthered affirmative action policy. In an executive order, he required government contractors to develop “an acceptable affirmative action program” that included “goals and timetables.”

Equalizing Opportunities Through Preferential Treatment

Although many Americans agree with affirmative action goals, its implemented practices have been notably controversial. An affirmative action plan may set specific goals, such as numbers of minority or women workers to be hired and may include a timetable with dates for achieving those goals. Yet it may also give **preferential treatment** for some groups, or give preference to a minority or female job applicant because of that person’s ethnicity or gender. Many believed preferential treatment was unfairly discriminatory against white males.

During the 1960s, many colleges and universities adopted affirmative action plans to attract more minority students. Members of minority

groups were often given preferential treatment over white students who were equally or more qualified. Such treatment was necessary, admissions officers argued, to increase opportunities for minorities and to create a diverse student body.

In the late 1970s, a white male named Allan Bakke challenged preferential treatment in university admissions. Bakke had twice applied for admission to the University of California Davis School of Medicine, and he was rejected both times. In contrast, minority candidates with lower grade point averages and test scores were being admitted under a special admissions program. Bakke concluded that he had been refused admission because he was white and sued the school for **reverse discrimination**.

In 1977, **Regents of the University of California v. Bakke** reached the Supreme Court. After hearing arguments from both sides, the Court was deeply divided. Four justices were firmly against any consideration of race in university admissions, while another four felt just as strongly that race should be considered. The remaining justice, Lewis Powell, believed race should be used as a criterion in choosing students, but opposed the University of California's preferential treatment system. Writing for the majority, Powell cautioned, "Racial and ethnic classifications of any sort are inherently suspect and call for the most exacting judicial scrutiny."

The Court's ruling narrowly upheld affirmative action by declaring that race could be used as a criterion in admissions decisions. However, the ruling also stated that racial quotas were unconstitutional and that race could not be used as the sole criterion. The Court ordered the university to admit Bakke to medical school, but its ruling did not end the debate over affirmative action and preferential treatment for women and minorities.

Summary

The civil rights movement changed course in the mid-1960s, moving beyond the South and expanding its goals. Impatient for change, some activists also abandoned the strategy of nonviolence.

Black power In 1966, civil rights activists began asserting the concept of black power. These activists believed that African Americans need to have economic and political power, as well as pride in their African heritage.

Watts riot In the summer of 1965, the Watts ghetto of Los Angeles exploded in violence. This event was followed by riots in black ghettos across the nation.

Kerner Commission Established by Lyndon Johnson to study the riots, the Kerner Commission concluded that the fundamental cause was pent-up resentment over historic inequalities that slow efforts being made towards change.

Nation of Islam Also known as the Black Muslims, the Nation of Islam advocated black nationalism. Its members believed that blacks should live separately from whites and that blacks should control their own communities.

Black Panther Party The Black Panther Party demanded economic and political rights in addition to the need for self-determination. Unlike nonviolent civil rights leaders, the Black Panthers were prepared to utilize violence to achieve their goals.

Civil Rights Act of 1968 This law's key clause bans discrimination in the sale, rental, and financing of housing based on race, religion, national origin, or sex.

Swann v. Charlotte-Mecklenburg Board of Education In this decision, the Supreme Court ruled that busing is an acceptable way to conduct school integration.

Regents of the University of California v. Bakke In its first case on affirmative action, the Supreme Court, though deeply divided, ruled that race may be used as one, but not the only, factor in school admissions.

Differing Viewpoints: Is Affirmative Action Still Necessary?

The Supreme Court narrowly approved affirmative action in its 1978 *Regents of the University of California v. Bakke* decision. But the case left many unanswered questions: Is affirmative action a form of reverse discrimination? Which groups should receive preferential treatment in hiring and school admissions? For how long? In 1996, these questions were put before California voters in the form of Proposition 209, which

stated,

The state shall 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.

Proposition 209 was approved by 54 percent of the voters. In other states, the debate over affirmative action continues, especially in higher education.

A Closer Look: *Fisher v. The University of Texas* (2016)

Abigail Fisher, a white woman, sued the University of Texas after being denied admission. She claimed that the university did not accept her into the university due to her race. Fisher also argued that the university's form of affirmative action violated her 14th Amendment rights under the Equal Protection Clause.

The University of Texas utilized a unique system for its admissions decisions, centered around the Top Ten Percent Program. This program guaranteed admission to all state-funded universities to students who graduated within the top ten percent of their high school class. However, the use of this program resulted in very limited ethnic and racial diversity among admitted students. To foster greater diversity, the university began to use race as a factor in its admissions process.

Fisher sued the university after being denied admission because she felt that the university's affirmative action measures unfairly disadvantaged her during the admissions process. The case was heard in various courts prior to reaching the Supreme Court. In 2013, the Supreme Court ruled that the university's race-recognizing admissions procedures were permissible under the 14th Amendment's equal protection clause since the university was not attempting to meet a racial quota. The Supreme Court also stated that the Top Ten Percent program alone did not, in fact, provide sufficient diversity for the university, and supported the University of Texas' affirmative action program for its impact in promoting educational diversity.



Abigail Fisher alongside her attorney after the U.S. Supreme Court heard her arguments against the constitutionality of the University of Texas' consideration of race in admissions. Fisher sued, claiming that her 14th Amendment rights were violated due to the affirmative action program in place.

A Closer Look: *Gratz v. Bollinger* (2003)

Jennifer Gratz, also a white woman, applied to the University of Michigan's college of Literature, Science, and Arts in 1995. Gratz was denied admission, prompting her to sue the university for violating her 14th Amendment rights under the Equal Protection Clause due to racial considerations during the admissions process.

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In 2003 Jennifer Gratz (right) went before the Supreme Court regarding affirmative action in higher education. Gratz sued the University of Michigan, arguing that she was denied admission due to the university's affirmative action program. The Court ruled that the race-recognizing point system used by the university was unconstitutional.

The University of Michigan used a point system for admissions, wherein more points would be awarded to students of different racial backgrounds when their application was under review, thus giving some students more of an initial advantage in admissions because of race. For instance, an additional 20 points would be added to an applicant's admissions score if an applicant was considered a member of an underrepresented minority. The university had implemented this procedure as a form of affirmative action in order to obtain more diversity. Gratz argued that such a point based system placed her at a disadvantage during the admissions process, and therefore violated the Equal Protection Clause.

The case was tried in the Supreme Court, where it was decided that the university's point system based on race did not allow for fair assessment of each individual applicant to the university. The admissions procedure was thus ruled as unconstitutional and as a violation of the 14th amendment. Gratz therefore won the case and, in 2006, Michigan passed a statewide ban of affirmative action in

admissions to the state's public universities, stating that:

The state shall 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.

In 2014, the Supreme Court supported Michigan's ban on affirmative action in *Schuette v. Coalition to Defend Affirmative Action*.

Affirmative Action: Beneficial or Harmful?

Affirmative action continues to be a controversial issue. Some critics argue that favoring certain races in order to meet a diversity quota, or the intentional use of race in order to create diversity within an environment, leads to a form of reverse discrimination. The idea of reverse racism was prevalent during *Fisher v. The University of Texas*. Fisher argued that she was not admitted to the university because of racial discrimination inherent in the university's affirmative action admissions policies.

Affirmative action supporters do not view affirmative action efforts as reverse racism. Instead, they argue that affirmative action promotes racial diversity and equal opportunity. Statistics indicate that white students still constitute the majority of scholarship recipients in bachelor degree programs and that they also make up the majority of the American college student population. Data further suggests that race-conscious admissions policies help to make educational environments more representative of the overall racial demographic of the United States. Supporters emphasize this data as demonstrative of the continued need for affirmative action policies.

The debate surrounding affirmative action policies continues to be contested in schools and workplaces. Due to the controversy that arises with the implementation or removal of such policies, the solution remains unclear.