

What Is Affirmative Action?

Definition

A set of procedures designed to eliminate unlawful discrimination among applicants, remedy the results of such prior discrimination, and prevent such discrimination in the future. Applicants may be seeking admission to an educational program or looking for professional employment. In modern American jurisprudence, it typically imposes remedies against discrimination on the basis of, at the very least, race, creed, color, and national origin.

In 1961, President John F. Kennedy signed [Executive Order 10925](#), ordering that federally funded projects "take affirmative action to ensure that applicants are employed, and employees are treated during employment, without regard to their race, creed, color, or national origin."

Five decades later, a young white woman and a Texas school's admissions policy stand central to a monumental Supreme Court case. The justices began hearing oral arguments Wednesday over the constitutionality of racial preferences in consideration of the students it accepts.

It could change how schools determine whom they let in and whom they keep out.

Affirmative action began as a simple idea to expand equality and has morphed into a charged and divisive topic.

What is affirmative action, and how is it different from when it began?

Here are five things to know.

1. Why it was started: The earliest implementation of affirmative action policies, before Kennedy coined the phrase, began under President Franklin Roosevelt in the second World War. He [banned discrimination](#) in the government and those involved in "war-related" work.

Later, President Lyndon B. Johnson expanded on [Kennedy's order](#) to include women and signed the Civil Rights Act into [law](#). He explained the purpose of affirmative action in [this speech](#) to Howard University's 1965 graduating class:

"And this is the next and the more profound stage of the battle for civil rights. We seek not just freedom, but opportunity. We seek not just legal equity, but human ability; not just equality as a right and a theory, but equality as a fact and equality as a result."

Less known, though, is that President Richard B. Nixon created goals and time frames around the legislation. "We would not impose quotas, but would require federal contractors to show affirmative action' to meet the goals of increasing minority employment," he wrote in his [memoirs](#).

2) Why it is controversial: Quotas. The idea of a limited number of admissions or jobs for members of underrepresented groups and any type of preferential treatment runs counter to how we view our American dream, critics argue.

That idea became central in the Massachusetts Senate race between Scott Brown and Elizabeth Warren. Warren was accused of using her Native American ancestry for jobs but has denied doing so.

[Is she or isn't she Native American?](#)

In 1978, the landmark [Regents of California v. Allan Bakke](#) case made racial quotas unconstitutional. Bakke, a white student, sued after twice being denied admission to medical school, challenging the special admissions used to admit minority groups.

3) How it's changed: While affirmative action is usually spoken of in general terms, there is no singular policy or implementation of the ways in which affirmative action take shape in government organizations, colleges and corporations varies.

Court cases continue to refine interpretations of how race is used at the university level. Some schools have experimented with a variety of ways of [non-race](#)-based models, like the Top 10 model that the University of Texas employs, to ensure the racial diversity of students.

4) How we feel about it: In a [2009 Pew poll](#), the majority of Americans supported affirmative action but strongly disagreed about minority preference. And while most African Americans (58%) and Hispanics (53%) agreed that minorities should get preferential treatment, only 22% of whites agreed.

5) Where it exists: Though quotas have been outlawed in the United States, the European Union [has had a recent push](#) to punish companies whose boards aren't composed of at least 40% women. And India, Brazil and Malaysia, among other countries, have laws and policies that address affirmative action in schools and throughout society.

By **Alicia W. Stewart**, CNN ,Updated October 10, 2012