

## **...And Justice for All: The Introduction of *Perpetual Proportionate Affirmative Action***

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The decades-old policy of affirmative action in the United States is controversial. Many have called for affirmative action to be immediately discontinued, phased out, or retained for only a limited amount of time. Others have held that affirmative action should remain until true social equality is achieved. Because we maintain that the status of social equity is constantly in flux, we submit that attention must always be paid to which groups are over- or under-represented in employment, education, and business context; and, we advocate an updated policy to help ensure that all groups of people are treated fairly all of the time. In view of the deeply polarized literature of affirmative action proponents and opponents and ultimately in dialogue with McWhorter (2000) and Patterson (1997), we lay out the case for a new sociopolitical and vocational equalizer—perpetual proportionate affirmative action. While our central concern, here, is the economic advancement of the U.S. African American community, no matter who this policy temporarily advantages, the organizational ideal is to mirror the population of the host area via the appropriate representation of all racial, gender, and other protected classes at all levels. This new model pursues the true aims of original affirmative action policy in a much more inclusive fashion while addressing some of its critics' classic objections.

### **AFFIRMATIVE ACTION BACKGROUND**

The United States policy of affirmative action refers to equal opportunity employment practices that aim to prevent the discrimination of employees or job applicants due to *race, color, religion, sex, or national origin*. These measures, which encompass outreach initiatives, targeted recruitment, management and staff training and development, and employee support and

retention programs are legally mandated for organizations that contract or subcontract with the federal government. The goal of affirmative action is twofold: (1) to overcome the present effects of blatant historical discrimination, and (2) to ensure that public institutions like colleges and universities, fire and police departments, hospitals, the courts, and the military are more reflective of the communities they serve (Anderson, Rawls, & Thurnau, 2008; Executive Orders, 2012; Facts on Executive, 2012).

Designed to halt the pervasive discrimination of Blacks in the United States in the 1960's, *affirmative action* was first used in President John F. Kennedy's Executive Order 10925 in 1961 (Kennedy, 1961). President Lyndon Johnson later outlined the significance of affirmative action in a seminal speech at Howard University in 1965 before amending a previous equal opportunity executive order in 1967 to specifically incorporate sex discrimination into the policy (President Lyndon, 2012; Lyndon B. Johnson, 2012). Although the idea and execution of affirmative action policy have evolved over time, its central rationale has not changed.

While we fundamentally support the original logic of affirmative action and agree with many of the points of those who maintain that the policy should continue (e.g., Anderson, 2002; Anderson, 2004; Axelson, 1977; Cantor, Miles, Baker, & Barker, 1996; Clayton & Crosby, 1992; Davis, 1983; Duster, 1998; Estlund, 2005; Ezorsky, 1991; Fish, 1993; Harwood, 1990; Issacharoff, 1998; Kang & Banaji, 2006; Komaromy, Grumbach, Drake, Vranizan, Lurie, Keane, & Bindman, 1996; McGary, Jr., 1977; Moskos, 1986; Nickel, 1974; Post, 1998; Purdy, 1984; Reskin, 1998; Sabbagh, 2007; Skrentny, 1996; Stainback, Robinson, & Tomaskovic-Devey, 2005; Weisskopf, 2004; Yelnosky, 2003), we believe that just as the times have changed affirmative action policy needs to adjust to become more inclusive and ultimately achieve its intended aims. Although some affirmative action naysayers make provocative points (e.g., Blackstone, 1975; Chen, 1996; Cohen, 1995; Cohen & Sterba, 2003; Glazer, 1975; Graglia, 2004; Gross, 1994; Loury, 1997; Newton, 1989; Pojman, 1998; Posner, 1998; Schuck, 2003; Sowell, 1990; Sowell, 1996; Sowell, 1999; Steele, 1991; Thernstrom & Thernstrom, 1998; Volokh, 1996; Walzer, 1983; Wax, 1999), we see these arguments largely as flawed and side with affirmative action proponents who feel the policy has not yet attained its goals and there is still important work for the federal government to do.

### *Discussion*

While the parameters of our general feelings regarding affirmative action were honed via the previously referenced work of authors both in support of and against the policy, as meticulously cataloged by Anderson, Rawls, and Thurnau (2008), the core of our current thinking is the text below, which is excerpted by permission (Turnipseed, 2009) from the dissertation—*The AADERE Model of Progression in the Hospitality and Tourism Industry: An Empirical Study of High-Salaried Black Managers*. It is part of a larger conversation regarding four main topics: (1) Black managerial resolution in the face of contemporary workplace discrimination; (2) morality and the acknowledgement of victimization, i.e., the consideration of what is the right thing for Blacks and Whites to do, for example, improve society from a critical race theory perspective; (3) effective strategies for Black socioeconomic progress given the American status quo; and (4) relativism and social equity, or the critical interrogation of historically racialized returns to education, experience, and work ethic in the U.S. workplace across class levels. The result of an in-depth dialogue with two vigorous affirmative action critics, who happen to be Black, we join this initial articulation of the policy of *perpetual proportionate affirmative action* in progress.

*Perpetual Proportionate Affirmative Action*

In contrast to Patterson's (1997) proposal to phase out affirmative action in the next few years or so and contrary to McWhorter's (2000) suggestion to immediately discontinue it in most instances while retaining it for a limited amount of time in areas such as business, we are strong proponents of *perpetual proportionate affirmative action*. Rather than ending affirmative action before an ideal balance is achieved as McWhorter proposes, we argue that it should always be used to maintain proportional representation of racial, ethnic, and other groups at all levels of employment and management. Instead of focusing on equal opportunity per se, this emphasis on proportional representation is appropriate because while it may not be equal, it is fair.

One's particular background should matter since the organizational ideal is to mirror the populations of the areas in which they are located. Recognizing that all industries may not appeal equally to all groups, however, the goal simply should be to actively recruit and hire qualified applicants from applicable subsets. And whether this policy advantages a Black female in Anchorage, a White male in Detroit, an Asian female in Birmingham, or a Hispanic male in Pittsburgh, the goal is to synergistically engage the entire community. When and wherever things are unbalanced, then, strategies and resources should be directed toward equalization. Also, we agree with Patterson (1997) that class is a useful basis for affirmative action. So long as qualification remains the threshold for consideration, we support perpetually proportionate class-based policies designed to insure all sectors of our society are fully engaged in academic and business affairs.

*Strategies for Black Socioeconomic Progress*

Because we object to McWhorter (2000) and Patterson's (1997) heavy-handed attack on Blacks for failing to aggressively grab the bull by the horns, as it were, we identify three strategies for advancement. First, it is critical that Blacks and others adequately call attention to racial and ethnic victimization when and wherever it manifests. Discrimination, sadly, is real and exacts complex penalties on the everyday experiences and life chances of its victims. These consequences must be identified, delineated, and understood to sufficiently reverse the effects and enable all to enjoy the fruits of their preparation and labor.

Second, it is hugely important that we urge each other from childhood forward to take the initiative, expend the effort, and continually strive for excellence despite the persistence of racial and ethnic obstacles. Note that there are three important elements here: (1) Taking the initiative involves seizing helpful opportunities, accepting calculated risks, and stepping up to the proverbial plate with commitment and confidence, (2) Expending the effort entails putting in the requisite work to prepare oneself for difficult tasks, rolling up one's sleeves as necessary and working smart and hard, and going the extra mile consistently and with enthusiasm, and (3) Continually striving for excellence in spite of the obstacles. Just as surely as it is unhelpful to dwell on the existence of unfortunate ethnic and racial realities, the dogged persistence of inequity, unfairness, and discrimination cannot be minimized or glossed over. These barriers must be recognized and addressed, and one of the most effective rebuttals is individual job excellence.

Finally, we agree with Patterson (1997) and McWhorter (2000) that it is imperative to denounce victimhood or the Cult of Victimology wherever it actually exists. This, however,

is a living room issue that should be addressed in churches, community centers, barbershops and beauty salons, and wherever else we find ourselves essentially alone. While we certainly should not encourage fellow Blacks to engage in nonproductive bellyaching, it is critical to take the guilty to task directly because of the tendency of public approaches to provide unrighteous cover for ignoramuses and racists to unduly blame all Blacks for their disparate socioeconomic status.

Patterson (1997) accuses the mainstream Black leadership of “promoting a highly deterministic ideology of victimhood among their constituents” (p. 123). He asserts, moreover, that “In a free, democratic, capitalist society that thrives mainly on the initiative and sense of—indeed, strong belief in and commitment to the dogma of self-determination, a leader’s role is to encourage individuals to think only in these terms” (p.123). Part of the problem, of course, is that American society is not purely free, democratic, nor capitalist. Though we purport to embody these ideals, we, in actuality, are quasi-free, alarmingly plutocratic, and capitalistic only insofar as the patrician interests of our socially stratified status quo are served. Although Patterson refers to the U.S. as “a very successful plutocratic democracy with a highly engaged elite public, a vigilant press, and a largely demobilized mass electorate whose rights and freedoms are constitutionally protected” (p. 10), our nepotistic and effectively racist society is built on a patriarchal and overwhelmingly Black-White socio-historical foundation that must constantly be mended in order to rightly stand the test of time.

While few treat the racialized reality as overly deterministic, most view the naming of social racial evil as an integral part of problem identification and see its successful redress as key to holistic resolution. For while effective and largely stratified solutions exist otherwise, denying insidious discrimination and relying exclusively on arduous, Herculean, and protracted effort is grossly unfair, debilitating, and incredibly difficult to achieve and to sustain. Since it is not what the majority is expected to do, moreover, it cannot stand unchallenged as requisite for Blacks. According to Patterson (1997):

[T]o the degree that [the Afro-American leadership] encourage Afro-American individuals to adopt an ethic of determinism and victimhood, in which their very self-esteem requires a commitment to the belief that they have no control over their lives, they disastrously mislead those who need, above all else, to know and believe that only they can change their own lives. (p. 123)

This is a problematic argument based on a misinterpretation of the intended message. It is like saying only Rosa Parks could change whether she was able to retain her seat on a public bus in the segregated South. Not only must we remember that she was carted off to jail, but we must consider that she was by no means the first to resist in this manner. Sometimes in an effort to survive, people choose the easier or safer road. For even though there were multiple accounts of Blacks who refused to give up seats, almost every single Black person chose to obey the established social and legal standards.

So, while Blacks like Rosa Parks exercised a modicum of control over their lives and destinies, history details the unfortunate consequences of their actions. Nevertheless, the overarching theme of the marching masses of the Civil Rights movement was that “We shall overcome.” The point was not that no obstacles existed or that they could not be surmounted, but that the impediments could and would be conquered even though Blacks were routinely victimized. Let us remember, also, that it was not Rosa Parks alone but an entire

multicultural movement and the eventual acquiescence of the predominantly White power structure that changed the rules.

McWhorter (2000) and Patterson (1997) would have us believe that Blacks languish in victimhood if they find it incredibly difficult to get ahead in our racist society. The reality as Patterson only occasionally acknowledges is that the circumstances for some are horribly challenging. While it may seem unhelpful to point out that there are situations where racist barriers will almost certainly block progression no matter what one does, this must be appreciated and vigorously countered in order to bring about change. Where business has racial equivalents to Black Baptist churches in which women categorically cannot become pastor or even speak from the main pulpit, for example, such injustices and disparities must be challenged and redressed. Thankfully, the power of positive resolution rests in a modern interpretation of the Constitution via Title VII of the Civil Rights Act, which espouses equality in terms of age, color, gender, national origin, race, and religion.

Rather than blaming Black leaders and White liberals for propagating defeatism, championing unfettered access will result in greater levels of achievement and accomplishment since a significant portion of the community will always follow the established rules and struggle to do what is expected. We are inclined, therefore, to concentrate on fixing ethnic and racial problems everywhere they materialize. Given the debate and disagreement about lower class Blacks and the barriers to their success, my research focuses on middle and upper class Blacks who have obtained great educations, acquired high levels of experience, extended themselves in good faith to peers, and consistently worked to produce excellent outcomes for their respective firms. For if they continue to face particularized challenges in significant numbers, it is clear that persistent social and workplace bias is the greater problem.

The reason we interrogate this aspect of reality, though we think it also important to focus elsewhere, is because Americans have repeatedly and unequivocally expressed their commitment to fairness and equality. Public debate, indeed, has been about what the right thing to do is and how best to accomplish it as opposed to whether it should be done.

While we agree with Patterson (1997) that “the record of the past half century has been one of great achievement” (p. viii) and “there is no room for complacency: because our starting point half a century ago was so deplorably backward, we still have some way to go before approaching...a resolution” (p. ix), we vehemently disagree that this nation’s racial crisis “is as much one of perception and interpretation as of socioeconomic and interethnic realities” (p. viii). Because race is a significantly reliable predictor of socioeconomic status, we have real issues. Although Blacks have undeniably made great gains, we remain at the lowest rungs of society; and our status does not seem haphazard. Because we appear systematically to be represented at lower levels despite educational attainment, for instance, we see our continuing, though waning, crisis as proof of interethnic complexity and the persistence of White privilege and Black bias.

Interestingly, perpetual proportionate affirmative action fulfills the dual aims of Patterson’s (1997) vision of systematically reducing inequality and “greatly increasing cross-pollination of...multiethnic communities” (p. 157). Consistently engaging diverse groups at work ultimately fosters mutual respect, familiarity and trust, and a wider exchange of knowledge and perspectives. And the dynamism of increasingly authentic relationships oozes into non-work time and moves us closer to Patterson’s *ecumenical America*—an “overarching national culture [that is] the envy of the world” (p. 157).

As Patterson (1997) suggests, being educated, experienced, and excellent at what one does typically is not sufficient for Blacks in predominantly White contexts. Such preparation and proficiency rarely result in the manifestation of Black managers and executives in numbers consistent with their organizational representation. The reality is that “when firms promote workers they consider not simply the characteristics of employees, but organizational criteria, among the most important of which is the degree to which a candidate for promotion will fit into the upper echelon for which he or she is being considered” (Patterson, 1997, p. 161). We agree with Patterson that the simple humyn behavior principle of homophyly, which suggests that individuals with similar attributes are likely to get along better and to develop more effective work groups, routinely leads non-malicious decision makers to disproportionately promote Whites. As well, this sentiment is variously expressed by respondents of the current study.

While the affirmative action we espouse also demands new and better rules for the holistic inclusion of diverse groups, we insist that excellence and high standards truly become the hallmark of corporate America. For, as Patterson (1997) stated:

[T]he redefinition of rules in no way entails a lessening of standards or the abandonment of the merit principle. I am not proposing that we do away with rules and structures, but that we redefine them in a manner that makes it possible for those now excluded to play by them. I am, in short, urging a commitment to the very values that critics of affirmative action insist on, a genuine universalization of the rules of conduct. Such a universalization cannot stop short of the rules by which we change the rules. (p. 165)

### *Perpetual Proportionate Affirmative Action Pros and Cons*

Picking up where Turnipseed (2009) leaves off, we view perpetual proportionate affirmative action as premised on several critical notions. The first is that the work of social justice in terms of racial and gender socioeconomic parity, for example, must be ongoing. Because this equity vigilance recognizes that opportunity and economic status are dynamic and context specific, it continually spotlights and rectifies inequality. It avoids the heavy-handedness and imprecision of current affirmative action policy by recognizing that each region, state, city, community, and organization differs from its counterpart and, therefore, may require redress for the benefit of a different racial or gender category.

In addition to continuous monitoring, a second important element of perpetual proportionate affirmative action is that true justice and opportunity access require planned, purposeful, and ethically courageous action. Given the historically persistent, and arguably even natural human tendencies toward social inequity, unfairness, and discrimination, we, unlike many proponents of current affirmative action policy, have no expectation or illusion of an ultimate state of permanent social equity. Rather, there is pointed recognition that considered plans and directed action must be taken periodically to tweak the contextual status quo.

A third notion of perpetual proportionate affirmative action is that it is an organization’s host population or community that is served that should determine the ideal makeup of staff at all levels of employment and management. While the composition of the national populace may be important, it should not be the guiding force for perpetual proportionate affirmative action in context. A fourth and related premise, then, is that everyone’s background matters. Because perpetual proportionate affirmative action seeks proactively and retroactively to make things for

everyone fair all the time, it matters, for example, which racial/ethnic, gender, religious, and class categories people fall into. As situations arise where there is insufficient representation from a particular social group, the goal must be to actively engage in targeted recruitment and/or the development of more qualified applicants.

One of the persistent criticisms of current affirmative action policy is that population groups like Asian or White males, for example, are left out in the cold. This is an area of concern for perpetual proportionate affirmative action since the focus is on the inclusion of all major sectors of the host or proximate population. So while current affirmative action policy may not typically be concerned about the engagement of the aforementioned males, perpetual proportionate affirmative action is just as interested in this group's involvement as it is in any other's. If females of Hispanic or Latino origin; American Indian or Alaskan Native males; Native Hawaiian or Other Pacific Islander females; males of *some other race*; or Asian or White females, for instance, were underrepresented in a predominantly Black context, perpetual proportionate affirmative action would initiate corrective measures (Humes, Jones, & Ramirez, 2011).

Even as we introduce perpetual proportionate affirmative action, we point out that there are potential concerns with its implementation. One is that perpetual proportionate affirmative action's category or group basis (e.g., racial/ethnic, gender, and social class) may exacerbate relatively homogeneous enclaves or pockets of segregated communities where organizations can xenophobically boast that their employment, managerial, educational and other contexts are representative. Open door policies at the larger city, state, regional, and national levels, however, should sufficiently allow interested individuals to change their locations. As community demographics change, so, too, will the staff composition of serving institutions that are perpetual proportionate affirmative action employers.

A second concern about perpetual proportionate affirmative action is how the policy would be introduced and implemented. The ideal is probably for it to be instituted at the federal level by an act of congress or, perhaps, a presidential executive order as was the case for current affirmative action policy. While President Obama could deliver a seminal speech upon issuing such an order, it would be incumbent on diverse and large groups of community and thought leaders to spread the word and promote the aims of such an agenda.

A third consideration for perpetual proportionate affirmative action is the development of enforcement mechanisms to strongly encourage organizations to dutifully implement and monitor the policy at least as strongly as they maintain affirmative action. In fact, it may be most effective to introduce perpetual proportionate affirmative action as an update to affirmative action policy designed to respond to some of the historic concerns of critics. This could make the transition much smoother in that all organizations that are federally mandated to follow affirmative action and those that voluntarily do so could simply update the letter of their policy, and be governed largely by the same incentives and penalties. Thought leaders should regularly emphasize the much more inclusive aims of perpetual proportionate affirmative action, however, great pains should be taken to help individuals from various social sectors rather than just the usual outsider groups see that the revised policy truly is designed to produce justice for all.

### *Conclusion*

Perpetual proportionate affirmative action is a powerful policy for African American socioeconomic progress because it equalizes access to educational, business, governmental, and

other public structures for those who possess the requisite knowledge, skills, and abilities. Because perpetual proportionate affirmative action is about both representation and inclusion, moreover, it is not just African Americans, but qualified persons throughout our country that must be welcomed and advanced in community institutions accordingly. In an area comprised of diverse racial/ethnic, gender, religious, social class, and other populations, for example, we would expect (1) that employment, management, educational, political and similar organizations would reflect a similar makeup or (2) that specified and earnest efforts would be underway to address the qualified involvement and/or preparation of underrepresented groups—regardless of which categories are disproportionately engaged. In the final analysis, then, we can improve America not just by bettering the African American community, but by implementing policies like perpetual proportionate affirmative action that relentlessly seek the opposite presence and engagement of all Americans in all of society’s institutions. For while the road to social justice is audacious, arduous, and, perhaps, never ending, the affirmative action proposed here embodies a collective expression of unity and continually promotes a host of individual and shared benefits.

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