Since its inception, Affirmative Action has faced both criticism and praise, often depending on where one stood, either in the racial bread-line, or out, at the front of the line or the back.

“Can't we all just get along?”

Rodney King

In 1965, President Johnson said of Affirmative Action, "This is the next and more profound stage of the battle for civil rights," he further asserted, "We seek... not just equality as a right and a theory, but equality as a fact and as a result." This statement, placed in a contemporary context, means, the theory of diversity, acceptance of differences, holding hands and singing Kum-By-Yah, and asking Rodney King's question, "Can't we all just get along" is not nearly enough to ensure the equal distribution of civil rights or the right to housing, employment, and education. At one point it becomes necessary to turn rhetoric into reality.

Of course we've heard statements reminding us that one, Affirmative Action is a remedy, and two, ours is a nation built on a foundation of inequity. Not only is it a remedy for past practices, the purpose of Affirmative Action is to bring accountability to those in receipt of federal funds who have obligated themselves to ensuring the provision of goods and services freely, without basing the distribution on race, religion, color, sex, or national origin.
These statements seemingly critical of the American notion of, “Justice for all” can cause cathartic dissonance.

Human emotions on the subject run high and these emotions can serve two extremes. Some saying, “Affirmative Action will get us there and ensure a level playing field.” Others say, “The playing field is level. Affirmative Action does nothing but lower standards and it places unqualified people in positions they don’t deserve.” The truths espousing negativity toward Affirmative Action sometimes deviate from reality.

Affirmative Action, imperfect in some respects, is the only remedy, albeit intended as a temporary redress, to deal with the inequality paradoxically originating with the American perception we are all born free and equal. It is not to establish a quota for minorities, as it has been used in some instances, resulting in some of the harsh criticism we hear today.

We know women make approximately 78 cents on the dollar to men. We know the rate of unemployment for minorities is higher among people of color, per capita. In a National Health Interview Survey the researchers calculated there were 11.3 million working-age adults (18 to 64) with disabilities of whom only 37 percent were working in 1994-1995. We know people with disabilities are employed at rate far lower than any other disenfranchised group.

We also know bias exists at personal and institutional levels. What do we do for a positive change to ensure everybody has equal access and opportunity? It is here we face a number of choices. We can choose to deny, oppose, or support a program that will assist us in overcoming the barriers of inequity. The first choice, known as denial, is the “head in the sand” mindset, “I can’t see it; therefore, it doesn’t exist” or, “It’s not my job. I’m not affected.” The second choice is to be oppositional. One can choose to look at the possibility of positive change as something we must fight against, “Affirmative Action is not needed and it discriminates against me!” The third choice is supporting positive change, going forward with the idea of working to overcome the impact of our historical legacy of discrimination. Anything else would be relenting to the status quo-prejudice or even endorsement of inequality.

Some do indeed think, and will not hesitate to say, “Affirmative Action is a discriminatory practice.” Do non-discriminatory hiring practices exist? The easy answer is yes.

The Washington State Human Rights Commission defines discrimination as, “A refusal to hire, or to discharge or bar any person from employment and or to discriminate against any person in compensation or in other terms...” Technically speaking, although the process of elimination is inherent, it does not become “discrimination” until the refusal to hire, to discharge or bar a person from employment is based on, for example, race, religion, sex, color, disability, or national origin. Can one be eliminated as a job candidate because he or she is a smoker? Yes. Because one’s feet are too big and fingernails are too long? Yes. Because one has tattoos? Yes. These reasons do pass the litmus test of unlawful discrimination. If you fit into one of these categories, being denied an opportunity based on what you do or how you look may feel unfair, however unfair does not translate to illegal.

Affirmative Action is not quota program establishing requirements to hire minorities “at any expense.”

On the surface, hiring someone, always a qualified someone, (why would you otherwise?) who may help an employer reach an Affirmative Action goal is not an unlawful hiring practice. If a person hired is not qualified for the position, asserting the hire was discriminatory could be accurate. State law is clear. Unlawful discrimination is unlawful. Despite the clarity of state law, how could a company or organization make a profit or stay in business if it hired under or unqualified workers anyway? That’s a rhetorical, yet simple question. Affirmative Action is not quota program establishing requirements to hire minorities at any expense. It is goal oriented program establishing accountability for ensuring employers in receipt of federal funds have inclusive recruitment and hiring processes and educational opportunities that include candidates of groups who have historically faced unlawfully discriminating circumstances.

This writer agrees with the notion “The truth is out there.” Does the conservative opinion, in a half-baked metaphor tastelessly disguised as a bake sale flogging cookies at a lower price to women, people of color and the disabled really work toward getting people to higher level of education? Yes, it is an education on how misinformation is passed from generation to generation. The Anti-Affirmative Action Bake Sale is an unfair and immature metaphor falling far short of a real educational opportunity, but surely fills the gap for the need for sensationalizing a sexist, racist and able-ist, pessimistic action. Its time to move beyond and rise to a level of dialogue befitting our edu-