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Sonnie Chong
Majority Attitudes toward
Affirmative Action in the
Workplace: A Survey Based on the
Kuklinski List Experiment

ABSTRACT

The purpose of this study was to examine majority attitudes toward affirmative action (AA) in the workplace, since the future of AA may depend on these views. Conservatives generally oppose AA but it may be that most liberals do also, according to studies modeled on the Kuklinski List Experiment (LE). The LE employs indirect means to help reveal covert attitudes toward sensitive subjects. Based on this previous research, this study's prime hypothesis was that most White liberals harbor antagonism towards AA, contrary to expectation. Participants were invited to take an Internet based survey which utilized LE methodology. The main result was that 74% of White liberal respondents objected to AA (N=129). If representative of White liberals in general, this finding has profound implications for the very survival of AA.

MAJORITY ATTITUDES TOWARD AFFIRMATIVE ACTION IN THE
WORKPLACE:
A SURVEY BASED ON THE KUKLINSKI LIST EXPERIMENT

A project based upon an independent investigation,
submitted in partial fulfillment of the requirements
for the degree of Master of Social Work.

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2009

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CHAPTER I

INTRODUCTION

“You take my life when you take the means whereby I live.” Shylock, *Merchant of Venice*.

We equate what someone does with who one is; such is the importance of work in our society. Wealth, health, and status are largely determined by one’s occupation, so employment discrimination that denies these benefits is of vital concern. Efforts to end such institutionalized discrimination, lately called affirmative action (AA), began in the 1800s and reached a peak soon after the Civil Rights Movements of the 1960s. Since then, it has waned and now its future is in doubt. Should AA end, the effects could be devastating for the most vulnerable populations that social workers serve. Social workers need a comprehensive, yet easily digested introduction to this complex topic.

This thesis focuses on AA as it applies to employment discrimination against African-Americans, a primary concern of AA legislation (Beckman, 2004). Special emphasis is placed on majority attitudes toward AA, since these may determine its future. It is not surprising that conservatives generally oppose AA, but, according to studies modeled on the List Experiment (LE), it may be that most liberals also do. The LE uses an ingenious technique designed to reveal people’s true feelings about sensitive issues. It assumes that a straightforward question such as “Do you oppose affirmative action?” will elicit an answer more politically correct than sincere. One LE study conducted by Sniderman and Carmines (1997) found that 59% of liberals oppose AA policies - a finding so compelling that I decided to confirm this result by conducting my own LE based attitude survey. By using the LE’s indirect quantitative approach, I hoped to obtain

a more accurate estimate of White attitudes toward AA than might be possible from standard qualitative interviews.

My hypothesis, then, is that most Whites, including liberals, harbor negative feelings toward AA in the workplace. This question is not just academic. If White *liberals* covertly oppose AA, then its future is doubtful and the well-being of many minorities may be at risk. To understand this, the importance of AA in combating discrimination needs to be grasped. The Literature Review, therefore, provides context to my hypothesis by examining the interplay of AA's history, social policy, and majority attitudes. Here, I trace the role of AA in the centuries old struggle of African-Americans for acceptance and equal rights. Labor statistics which indicate the continued prevalence of covert prejudice against Blacks are presented. The impacts of legislative and legal milestones on AA are analyzed. Existing AA policies and their programs are summarized. A vignette is offered that illustrates the limited options available to modern victims of employment discrimination in my home state of Connecticut. I then turn to studies of majority attitudes toward AA in the workplace, especially those that measure covert prejudice against Blacks, culminating in my own contribution, an Internet survey of White (and minority) attitudes based on the LE. The methodology chapter contains a detailed discussion of the LE approach to surveys as well as cautions and limitations in applying it to my hypothesis. After analyzing the experiment's findings, I conclude by assessing the future of AA in the workplace.

Personal Biases and Design Limitations Potentially Impacting This Study's Findings

As a Korean-American whose family has both witnessed and experienced discrimination in this country, I have a natural interest in the protections afforded by AA.

My fascination with majority attitudes toward AA was first piqued when I overheard white acquaintances strongly condemn this seemingly benign policy. I soon realized that most Whites oppose AA, especially White conservatives. Fortunately, I thought, White liberals are solidly behind AA, or so I assumed until I saw evidence of their ambivalence in “Reaching Beyond Race.” It was then that I decided to formally investigate the nature of majority attitudes toward AA as well as to replicate the LE. Note that this study’s purpose is to describe, in detail, *what* majority attitudes are toward AA, not their etiology. Therefore, causation theories of White ambivalence toward AA are mentioned only briefly.

Finally, throughout this thesis, the terms “conservative,” “liberal,” “White,” and “Black” have their commonplace meanings. Thus, by “conservative,” I mean someone who hews to tradition and resists change; a rule of thumb would be anyone (of any color) whose views would generally be endorsed by the Republican party. Similarly, by “liberal,” I mean someone who is progressive and believes government must protect individual rights; a rule of thumb would be anyone (of any ethnicity) who holds views generally in agreement with those of the Democratic party. “White” refers to any Caucasian, “Black” to any African-American, both irrespective of ideology.

CHAPTER II

LITERATURE REVIEW

Affirmative action (AA) refers to a range of laws, programs, and policies intended to bring equal opportunity to all regardless of race, creed, religion, or gender. It arose in the 1960s as part of the broader Civil Rights Movement which sought to end centuries of racial hatred, servitude, segregation, torture, and murder of minorities. Through a series of laws and court rulings, AA has attempted to overcome institutionalized discrimination by ensuring that Blacks and other minorities have the same educational and employment opportunities as Whites. It was never meant to be a permanent policy but a temporary measure that would end once the social playing field was level (Brunner, 2005; Davis, 2005; Moreno, 2003).

Evidence for Workplace Discrimination Against Blacks

The ultimate workplace discrimination is slavery, a situation African-Americans had already endured centuries before our Civil War. Though slavery has ended, discrimination in the workplace has not, contrary to the opinion of many. In one Gallup poll, 70% of Whites believed that Blacks were treated fairly in the workplace, while 60% to 85% of Blacks reported discrimination. In the city of Houston, two out of three Whites voted against the city's AA employment program, while Blacks voted for it nine to one (Klineberg & Kravitz, 2003). In Pincus's 2000 study, 90% of Whites felt that AA was unnecessary. Yet some 150,000 employment discrimination complaints are filed at the state and federal level each year (Herring, 2002).

Discrimination is not just a matter of perception. The Fair Employment Practices Commission (FEPC) found that 40% of the time, White job applicants were favored over

equally qualified Black candidates. It also found that 60% of employment agencies noted the race of Black applicants and steered them away from white-collar jobs. A similar study by the General Accounting Office found that Blacks received 34% fewer job offers than equivalent Whites. A study of Black employment in six southern U.S. cities (Button & Rienzo, 2003) found that although Blacks constitute 39% of the population, only 26% were employed. Most of them held low-skill jobs in service centered businesses such as restaurants. Few Blacks held upper managerial jobs in any economic sector (Stainback, Robinson & Tomaskovic-Devey, 2005).

One of the largest discrimination lawsuits was settled as recently as 1996. The plaintiffs, African-Americans, were awarded \$176 million dollars for being systematically denied promotions by Texaco. The company kept two lists of eligible candidates. The public list included Blacks, while the one which was actually used had none. Secretly taped executives were heard referring to their Black employees as “niggers” and “black jelly beans,” including the explicit intent to deny them any promotions. Texaco is not alone. Since 2000, Ford Motor Company had to pay 13 million dollars in compensation for employment discrimination, Boeing 82 million, Amtrak 16 million, and Coca-Cola 190 million, to name only a few (Herring, 2002).

Workplace discrimination is evident not only in denied jobs and promotions but also in pay disparity. Mondal (2006) states flatly, “It is an empirically established fact that Black workers earn less than their White counterparts in the labor market” (p.1). After controlling for all other factors, the Census Bureau concluded that simply being Black results in 10% less pay than Whites, an earnings gap that increases with the worker’s age. This situation has not changed since the 1970s. According to the U.S.

Census Bureau, 86% of all households making over \$55,000 were White while 7% were Black. On average, for every dollar earned by a White male, a Black male earns 80 cents, a White woman 70 cents, and a Black woman 63 cents (2004).

From Civil War to Civil Rights

To understand the ebb and flow of AA policies, it is essential to know their historical context. Modern AA arose as part of a broader Civil Rights Movement that culminated in the Civil Rights Act of 1965. On February 28, 1963, President John F. Kennedy urged Congress to pass civil rights legislation saying,

The Negro baby born in America today ... has about one-half as much chance of completing high school as a white baby...one-third as much chance of completing college, one third as much chance of becoming a professional man, twice as much chance of becoming unemployed ... a life expectancy which is seven years less....and the prospects of earning only half as much. (Loevy, 1985, p. 411)

Though the institution of slavery ended a hundred years before, many of its ingredients - racial hatred, servitude, segregation, and torture - were still practiced, enshrined in laws, and upheld in courts. Affirmative action policies were introduced to end these practices (Moreno, 2003). Its history can be viewed as one theater of conflict in a larger confrontation between liberal and conservative forces. This conflict is, in many senses, a continuation of the Civil War, where physical combat has been replaced by ideological battles waged in legislatures and courts (Loevy, 1985). As will be seen, the arguments for and against slavery made 150 years ago are used to this very day in the debate over AA. It is remarkable how little the essentials of the debate have changed.

Early History and Policies

In 1846, Dred Scott, a Black slave living in Missouri, sued for his freedom on the grounds that his previous residence in a free state made him a free man. The case wound up in the Supreme Court which ruled that because Scott was a slave, he was merely personal property and had therefore never been free no matter where he lived. Furthermore, since Scott was a Negro, he was not a U.S. citizen and therefore was not eligible to bring suit in a federal court. In the words of Chief Justice Roger B. Taney, speaking for the majority,

We think they [Blacks] . . . were not intended to be included under the word "citizens" in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States (Davis & Graham, 1995, p. 31).

Of even greater consequence, the court declared unconstitutional the provision in the Missouri Compromise that permitted Congress to prohibit slavery in the territories. This ruling led directly to the Civil War. As for Dred Scott, his master sold him to another White owner who eventually set Scott free. Dred Scott died one year later (Vishneski, 1988).

The anti-discrimination laws and executive orders enacted during the Civil War and its aftermath illustrate how AA policies often come about, that is, with twists and turns, impassioned debate, and much infighting, often as a proxy for hidden agendas. The exact intent of these laws, particularly the 14th Amendment, is debated hotly to this day, usually in the context of supporting or opposing AA. A common misconception is that President Lincoln and the North opposed slavery so ardently that they fought a civil war to liberate Blacks, culminating in the Emancipation Proclamation which freed all slaves.

The truth, however, is that the Emancipation Proclamation was issued mainly because the war was going badly for the North. Although Lincoln did abhor slavery, the Civil War was fought primarily to preserve the Union (Donald, 1996, p. 368). Despite the abolitionists, many northerners were as prejudiced toward Blacks as southerners. Lincoln himself, though he recoiled at the treatment of Blacks, did not think the two races could co-exist and wanted to ship all Blacks back to Africa (Donald, 1996, p.166-167; Randal, 2006).

The Emancipation Proclamation did not free all slaves, only those in southern states that refused to cease their rebellion. It came after Lincoln rejected several similar proposed proclamations. Lincoln was far more concerned with not antagonizing Border States than with the fate of Blacks. The President finally issued the proclamation in order to weaken the South by encouraging the slaves it relied on to desert and, if possible, join the northern armies. He also wanted to discourage France and Britain from entering the war on the side of the South, by giving their anti-slavery constituents moral ammunition. The proclamation was a temporary war-time measure in any case and could have been reversed, hence the 13th Amendment forever abolishing slavery (Davis, 2005; Vishneski, 1988).

Of course, there were Whites, both northerners and southerners, who fought and died to end slavery on moral grounds. Political leaders since the founding fathers had been troubled by the contradiction of a freedom loving country condoning slavery but not to the point of waging war over it. The condition of Blacks, however repugnant, was not worth dying for. Positions for and against improving the lot of Blacks could be predicted by economic interests, as is true today in the AA debate. Most northerners had small

farms that did not need slaves to make them profitable. The North relied on mechanical slaves - industrial machines - for its livelihood. The South relied on cheap labor to maintain its lifeblood, the export of cotton. Southerners who had small farms tended to be as disinterested in the question of slavery as their counterparts in the North (Beckman, 2004, pp. 881-882).

The Freedmen's Bureau and the 14th Amendment - 1865

Congress authorized the Freedman's Bureau in 1865 to help African-Americans transition to freedom by providing land, housing, employment, education, and legal protection. Beckman (2004) calls it "one of the most idealistic and far reaching programs ever attempted by the federal government" (p. 415). The Freedman's Bureau can be considered an early form of AA; certainly, it was just as vigorously opposed, and, after only a few years, it was disbanded. Critics argued that freeing Blacks was enough, that making African-Americans favorites under the law was wrong and unfair to Whites, and besides, the Bureau had achieved its ends and was not needed anymore. These are essentially the same reverse discrimination arguments used by opponents of AA today, a century and a half later. Supporters of the Bureau countered that it was not enough to merely unshackle the slaves; preferential treatment toward Blacks was needed both practically and morally if they were to catch up to Whites. Again, these sentiments echo current arguments in favor of AA. It is poignant to think how different the lives of Blacks would be today if the work of the Freedman's Bureau had continued. (Davis, 2005; Randall, 2007).

The key piece of legislation used by both sides of the AA debate is the 14th

Amendment, which was ratified in 1868. This legislation has several sections and subsections, with the Equal Protection Clause being the most important for AA. This clause requires that every state treat all of its citizens equally under its laws. Though its 16 words comprise less than 1% of the Amendment as a whole, it has formed the constitutional basis for the entire Civil Rights Movement, including AA. Supporters argue that the 14th Amendment requires states to do whatever is necessary to ensure equal opportunity for all of its citizens, even if that means using quotas and other race based preferences to achieve this. Opponents counter that such ends do not justify the means. It is absurd, they argue, to use discrimination to fight discrimination, especially when the 14th Amendment forbids it, even for altruistic reasons. However, history does not support this claim. The 14th was itself an anti-discrimination milestone. It is obvious from historical context that it was created on behalf of Blacks, though not solely for their benefit. Nor was it envisioned as the last such legislation, since the Amendment stipulates that Congress has the power to enact future laws to enforce its provisions. In addition, the same Congress that passed the 14th also authorized the Freedman's Bureau, which was unabashedly preferential toward African-Americans. The public criticism of the Freedman's Bureau as unfair to Whites indicates that everyone understood these laws were race-based AA programs. The history of AA can be viewed as a hundred years of effort to expand the protection of the 14th Amendment to cover all forms of discrimination for all of its victims (Beckman, 2004; Randall, 2007).

In order to counter widespread disregard of the 13th Amendment, the 15th Amendment to the United States Constitution stipulated that male citizens had the right to vote regardless of race, color, or previous condition of servitude. Nevertheless, southern

states were able to exclude African-Americans from voting through the use of poll taxes, literacy tests, White-only primaries, and other means. The 15th Amendment would not be fully realized for almost a century later. To clarify even further the meaning of full citizenship for Blacks, Congress passed the Civil Rights Act of 1875. It promised that all persons, regardless of race, color, or previous condition, were entitled to full and equal rights in the area of public accommodations. White supremacist groups, however, embarked upon a campaign of terror against Blacks and their White supporters. In 1883, the Supreme Court declared the Act unconstitutional and asserted that Congress did not have the power to regulate the conduct under the 14th Amendment. This caused a colossal setback for civil rights in the South (Ashbrook, 2006; Library of Congress, 2006).

Plessy vs. Ferguson - 1896

The Supreme Court ruling in Plessy vs. Ferguson also eviscerated the historic gains represented by the 14th Amendment by ruling that separate facilities for Blacks and Whites were constitutional as long as they were equal. In 1896, Homer Plessy was arrested for deliberately sitting in the Whites-only section of a train. His case eventually came before the Supreme Court which ruled that Louisiana's "Separate Car Act" was constitutional since the accommodations for Whites and Blacks were equivalent. This established the principle of "separate but equal" which was used to justify racism for the next 70 years. In the words of Justice Henry Brown, speaking for the majority, "The [Fourteenth] Amendment could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either" (Davis & Graham, 1995, p. 24; Davis, 2005; Moreno, 2003).

Justice Brown goes on to lay down virtually every argument used to this very day by the foes of civil rights and AA. He asserts that social prejudices cannot be overcome by legislation since laws are powerless to eradicate racial instincts. Equal rights cannot be secured by enforced commingling of the two races, but must be a voluntary “bottom up” decision by both races to get along. In fact, trying to enforce top-down political correctness only exacerbates racial tensions. Nor is integration necessary since separate does not mean unequal. Justice Brown suggests that it is not laws that cause Blacks to feel inferior but their own interpretation. He also believes in states rights over federal, even if civil rights are abridged (Street, 2000; Weber, Myron & Simpson, 2005).

The dissenting opinion, though in the minority, lay down the groundwork for the Civil Rights Movement 60 years later: In the words of Justice Harlan, “What can more certainly arouse race hate...than state enactments which proceed on the ground that colored citizens are so inferior and degraded that they cannot be allowed to sit in public coaches occupied by White citizens?” (Davis & Graham, 1995, p. 53). This minority view articulates many of the arguments used by modern proponents of AA. Justice Harlan states that the Constitution, as amended, is color blind and does not tolerate the existence of a superior, dominant, or ruling class of citizens. Legislation must protect the victims of prejudice; those which allow discrimination make a mockery of the liberty we stand for. In fact, legally sanctioned racism demeans the oppressors, subjugates its victims, and increases racial tensions. Harland also argues that the destinies of the two races in this country are indissolubly linked together, that separate is by its nature unequal, both in reality and perception, and that federal rights trump states rights when civil rights are involved (Davis, 2005; Street, 2000; The Library of Congress, 2006).

The *Plessy* decision created a major barrier to equal rights for Blacks. It set the precedent that "separate" facilities for Blacks and Whites were constitutional as long as they were "equal." This "separate but equal" ruling was immediately used by Whites to extend racial discrimination to other walks of life, including public schools. Soon, every state in the South banned Blacks from attending White schools (Street, 2000; The Library of Congress, 2006; Weber et al., 2005).

Jim Crow Laws 1896 - 1960

Institutionalized discrimination was of course already present before the late 1800s, but after *Plessy* it accelerated in breadth and scope. The ensuing period of White supremacy that reigned until the Civil Rights Act of 1965 is called the Jim Crow era and the laws that buttressed it are called Jim Crow Laws. (It is of note that the term "Jim Crow" was a racial slur.). The Confederacy might be defeated, but southern Whites continued to exercise an almost total subjugation of Blacks. African-Americans were barred from White society, effectively prevented from voting, kept in economic servitude, and even tortured and murdered. Blacks were forced into separate accommodations in virtually every public venue such as trains, busses, restaurants, restrooms, and theaters. They had to use separate entrances at museums, libraries, courthouses, and town halls. They were not allowed to drink from a White water fountain, swim in White pools, or shop at White stores. Even in factories and other work places, Blacks were often quarantined from Whites, as they were in the military and sports leagues. Essentially, this "color line" barred Blacks from every aspect of White society, unless the Black was serving the White in some capacity such as housekeeper, nanny, butler, or chauffeur (Davis, 2005; Oh, 2006; Randall 2007).

Reading, verbatim, the Jim Crow Laws that separated Blacks from Whites helps bring the reality of that era into sharper focus. Here are but a few excerpts taken from state statutes across the South: “Every employer of White or Negro males shall provide separate toilet facilities...No one shall require any White female nurse to nurse in wards in which Negro men are placed... No Colored barber shall serve as a barber to White women or girls...Books shall not be interchangeable between the White and Colored schools...It shall be unlawful for Colored people to frequent any park maintained for the benefit of White persons...it shall be unlawful for any amateur Colored baseball team to play within two blocks of any White playground...any instructor who shall teach in any school where members of the White and Colored race are received shall be deemed guilty of a misdemeanor...restaurants shall not serve the two races within the same room unless they be separated by a wall seven feet or higher and provided separate entrances...”

Obviously justice was not blind; neither was it just *to* the blind: “The board of trustees shall maintain a separate building for the admission and support of all blind persons of the Colored or Black race.” Even to suggest equality for blacks was a crime: “Any person guilty of publishing arguments in favor of social equality between Whites and Negroes, shall be guilty of a misdemeanor.” Such hatred was carried to the grave, literally: “The officer in charge shall not bury any Colored persons upon ground used for the burial of white persons.” Given these examples, it goes without saying that cohabitation and inter-marriage were strictly forbidden. The decrees against physical proximity in restaurants, parks, libraries, and more are curious given that Blacks waited on Whites, worked in their homes, and even suckled their babies (Davis, 2005; Oh, 2006; Randall, 2006).

Blacks were prevented from voting through obstacles such as literacy tests, poll taxes, and White-only primaries, through fraud such as election rigging and ballot stealing, and through sheer intimidation, including murdering the few Blacks who attempted to exercise their rights. The justice system was anything but for Blacks. Juries were all White and a guilty verdict inevitable. Severe penalties were imposed for the most minor offense, providing a convenient excuse to lock up this hated minority. It was also profitable, as inmates, men and women, were leased to companies in need of hard manual labor. The conditions in prisons, chain gangs, and labor camps were atrocious, with abuse and neglect rampant. The death rate in such situations was often 8% to 18% (Beckman, 2004, pp. 524-536; Davis, 2005).

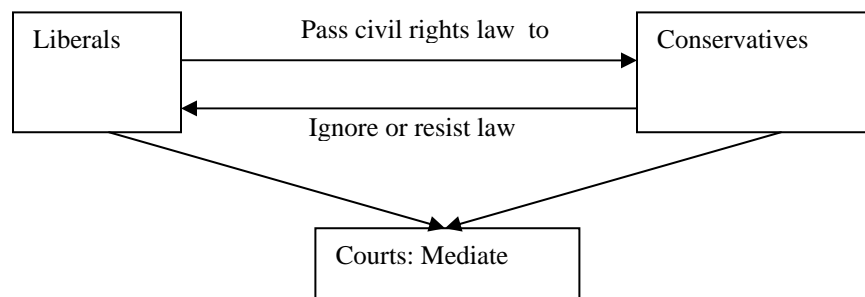
Servitude was also assured through an economic system that guaranteed Blacks were always in debt to their White bosses even when they did attain the status of “free” sharecroppers. In the share cropping system, Blacks received about a third of the crops they raised, never enough to pay for the land they were renting or the items they could only get at the company store. This left them in perpetual poverty and debt, unable to escape their economic prison (Davis, 2005).

Blacks were also subjected to outright violence. Between 1882 and 1968, there were 4,863 recorded lynchings of southern Blacks, with many more unknown (Davis, 2005). The first terrorists in the United States were neither the Islamic extremists of 9/11 nor even the perpetrators of the Oklahoma City bombing; they were the Klu Klux Klan and other White supremacy groups. These vigilante groups subjected Blacks to torture before finally hanging them, including burning, being dragged to death behind vehicles, and dismembering. Nor was this inhumanity confined to just a few “extremists.”

Upcoming lynchings were advertised in newspapers and tickets were sold. White families brought their children and picnicked as they watched the hanging. Some posed next to the dangling body so that postcards could be made and proudly distributed to friends and family. Pieces of the body were sold as souvenirs. These conditions existed well into the 1960s. However, this century-old historic thesis would soon meet its anti-thesis: vigorous AA programs designed to end such appalling treatment of our own citizens (Davis, 2005; Oh, 2006; Randall, 2007).

The New Deal

An historical pattern of cat and mouse is now evident. Liberal forces pass a law to further civil rights; conservatives resist either by ignoring the law, finding loopholes, or challenging the law in court. In response, more forceful and specific laws are passed which again are blatantly ignored, resisted through subterfuge, and so on. Both sides use the courts, which decide for or against depending on the political leanings at the time (Brody, 1996).



For example, the 13th Amendment freed the slaves, but, to conservatives, “free” did not mean the freedom to vote. In response, Congress specified that freedom did include the right to vote, hence the 15th Amendment. Conservatives then resorted to poll

taxes, which they knew Blacks could not afford, to effectively deny them the right to vote. Liberals eventually closed this loophole with the 24th Amendment, which specifically prohibited poll taxes in any federal election. The Supreme Court soon expanded this prohibition to all elections. Such attack and parry between liberals and conservatives is a theme throughout the history of AA, including the New Deal era, a period normally associated with the advancement of civil rights (Davis, 2005; Oh, 2006; Randall, 2007).

We usually think of Franklin Delano Roosevelt as a champion of the poor and a friend to minorities. After all, it was his New Deal policies that provided jobs to millions of unemployed workers, including greater employment opportunities for Blacks. The agencies he created incorporated policies against racial discrimination not seen since Reconstruction. Roosevelt oversaw the creation of the National Labor Relations Board, which protected unions, the Fair Labor Standards Act, which handled discrimination complaints, and the Public Works Administration, which used quotas to ensure fairness for the first time. Before his presidency, the government protected employers, not employees, and regarded unions as conspiracies to be put down (reminiscent of the current political climate). After FDR came to office, many citizens, and especially African-Americans, began to see “government” as their friend for the first time. FDR formed the “Kitchen Cabinet,” a think tank of prominent Blacks who advised him on African-American needs. This was headed by Mary Bethune, the highest federal position yet attained by a Black woman. FDR was also the first president to appoint a woman to a cabinet post, Frances Perkins, a social worker who served as Secretary of Labor. He issued Executive Order (EO) 8802, which forbade employment discrimination in

government. This EO was used by later presidents as a model for civil rights decrees. FDR supported the National Labor Relations Act of 1935, which was the first legislation to use the term “affirmative action” in the context of discrimination, though it was referring to union members, not minorities. These interventionist policies, which detractors termed socialism, were novel at the time and set the stage for later AA policies undertaken by subsequent administrations (Beckman, 2004, p.774-780, 635-638; Fredrickson, 2005; Randall, 2007).

However, all is not as it seems. The National Labor Relations Act did not protect all workers; it excluded many of the jobs most likely to be held by Blacks, such as agricultural and domestic workers. It covered workers in the private sector only, leaving it to the states to address discrimination against state and local employees. And it was not until Black leaders threatened a “million man march” on the Capital before Roosevelt established the Fair Employment Practices Commission. It may be Eleanor, the President’s wife, who should be given the lion’s share of credit for advancing the cause of Blacks during the Roosevelt Administration. She publicly declared racism democracy’s biggest threat, worked to end segregation despite great political and personal risk, and continued to do so after her husband’s death. It is telling that Black leaders of that era understood it was the First Lady who was their staunchest supporter, and they often turned to her as their channel to the President (Beckman, 2004, pp.774-780, 635-638; Fredrickson, 2005; Randall, 2007).

Although New Deal policies benefited African-Americans in theory, in reality it widened the economic gulf between Blacks and Whites. Blacks received relatively little benefit from the New Deal’s social programs. For example, government loans meant for

housing and small business rarely reached black citizens since the money was given to local White officials to distribute. In fact, federal money was used to finance all White suburbs that pushed Blacks into the inner city. GI college loans were meaningless for most Blacks since they could not attend White colleges, and there were not enough Black colleges available. And, since most of the jobs Blacks were allowed to work in were excluded from the New Deal's generosity, many Blacks did not receive pensions, Social Security, job training, unemployment compensation, healthcare, and other forms of aid (Beckman, 2004, pp. 635-638; Fredrickson, 2005).

A few statistics are illustrative. In 1930, the unemployment rate was about the same for Blacks and Whites. By 1965, Black unemployment was twice that of Whites. Between 1949 and 1959, Black incomes relative to White dropped in all parts of the country. From 1949 to 1965, the number of White families living in poverty dropped 27%, while the percentage for Black families remained virtually unchanged. During the same period, infant mortality among Blacks went from 70% more than Whites to 90% more. As far back as 1965, President Johnson recognized the problem stating, "The isolation of the Negro from White communities is increasing as Negroes crowd into central cities and become a city within a city" (Girstle, 2006; Katzenelson, 2005, p.14).

The main culprits behind this historic missed opportunity were Southern Democrats, who rigged New Deal legislation to benefit Whites and exclude Blacks. Southern Democrats formed a unified sub-party within the Democratic party. These Dixiecrats constituted a powerful voting block devoted to perpetrating White domination. Democrats needed Dixiecrats to pass legislation and maintain power (as can be seen today with the old "solid south" now solidly Republican). Dixiecrats used their power as

a swing vote to cut deals that maintained the image of progressiveness for Democrats, while ensuring apartheid in the South. As a result, “at the very moment when a wide array of public policies was providing most White Americans with valuable tools to advance their social welfare - insure their old age, get good jobs, acquire economic security, build assets, and gain middle-class status - most Black Americans were left behind or left out” (Girstle 2006; Katznelson, 2005, p. 23).

It is no accident that jobs mostly performed by Blacks were excluded from the National Labor Relations Act. Dixiecrats used three tactics to nullify anti-discrimination legislation: They made sure that the new social welfare programs excluded categories heavily represented by Blacks, they insisted these programs be locally administered, and they blocked any attempt to make federal support contingent upon civil rights. It must be pointed out, however, that Blacks did not fare much better in the North. Laying all blame on southern White supremacists may oversimplify the reasons for the economic disparity found to this day between Blacks and Whites (Beckman, 2004, pp. 636-638; Fredrickson, 2005; Katznelson, 2005, pp. 22-23).

Brown vs. Board of Education - 1954

A significant blow to the culture of racism was dealt in 1955. A few years earlier, Oliver Brown’s daughter was refused admission to the local White elementary school because she was Black. Brown and 20 others brought the matter before the Supreme Court. In *Brown vs. Board of Education*, the high court ruled that separate was by definition unequal and ordered the immediate desegregation of all public schools, essentially overturning its earlier ruling in *Plessy vs. Ferguson*. In the words of Chief Justice Earl Warren, "We conclude that the doctrine of 'separate but equal' has no place.

Separate educational facilities are inherently unequal." Unfortunately, instead of ordering desegregation "forthwith," the phrase "with all deliberate speed" was used, which to many in the South meant "with every conceivable delay." Segregationists were able to organize opposition at the state and local level, and successfully stalled integration for years, fueled by the deep antipathy many felt toward the ruling. Of the unanimous Brown decision, the *Daily News* of Jackson, Mississippi, stated that the Supreme Court would be responsible for the blood that would now be spilled and that "White and Negro children in the same schools will lead to mixed marriages and mixed marriages lead to mongrelization of the human race" (Dartmouth, 2003; Moreno, 2003).

Affirmative Action in the Modern Era

On March 9, 1949, the new senator from Texas raised his towering form in the hallowed halls of Congress to lead a southern filibuster against proposed civil rights legislation. This same Senator would, as President, sign the Civil Rights Act of 1964 into law. Lyndon Johnson, vilified for his part in the Vietnam War debacle, is increasingly appreciated by history for his skill and courage in bringing about his "Great Society." The transformation is remarkable. As a congressman, Johnson voted against every civil rights bill presented during his term; yet, as President, he would do more to further AA than any other executive since Lincoln. In 1965, 15 years after leading filibusters in Congress against civil rights, Johnson stood before the graduating class at Howard University to deliver an historic speech on the subject of civil rights. He argued that civil rights laws alone are not adequate to remedy discrimination and inequality:

You do not wipe away the scars of centuries by saying: 'now, you are free to go where you want, do as you desire, and choose the leaders you please.' 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 all the others,' and still justly believe you have been completely fair . . . This is the next and more profound stage of the battle for civil rights. We seek not just freedom but opportunity—not just legal equity but human ability—not just equality as a right and a theory, but equality as a fact and as a result. (Brunner, 2006, p. 1).

In 1965, President Johnson issued Executive Order 11246, which, expanding on President Kennedy's Executive Order 10925, prohibited employment discrimination against minorities by federal contractors and employees. The pinnacle of Johnson's achievement, however, is his signing of the Civil Rights Act of 1964 despite fierce resistance from southern states and other conservative forces. There have been eight civil rights acts since 1866, but the one passed in 1964 is the most sweeping and significant. It is within this legislation that we find the heart and soul of modern efforts to end discrimination in the workplace (Brunner, 2006; Sykes, 1995).

Title VII: The Eye of the Storm

Title VII of the Civil Rights Act of 1964 is the primary legal weapon against employment discrimination. However, it is a two edged sword, for it both allows and limits the use of AA plans by employers. The original act prohibits discrimination by private, local, and state employers on the basis of race, color, sex, religion, or national origin. This was later expanded to include federal employers. Though there were previous laws and edicts with the same goal in mind, Title VII was the most comprehensive and the first to have real teeth. Congress formed the Equal Employment Opportunity Commission (EEOC) to enforce its mission. The EEOC hears complaints and has the power to bring

lawsuits against companies it believes are engaged in employment discrimination, though it tries to settle disputes through arbitration. The discrimination does not have to be intentional; it only has to be obvious that a minority is under-represented. Title VII also allows individuals to bring their own discrimination lawsuits to court. Whites soon began to do so alleging reverse discrimination on the part of AA programs. At first lower courts did not allow this, but, in 1978 and 1998, the Supreme Court found that Title VII protects both Whites and males. We thus have the irony of AA programs being challenged using an AA statute. It is important to note that Title VII does not oblige employers to have AA programs and even places limits on voluntary efforts to do so (Beckman, 2004; Brunner, 2006; Sykes, 1995)

In 1969, Richard Nixon, a president not usually associated with civil rights, issued The Philadelphia Order, the most forceful race conscious preferential program for minorities up to that time. The Philadelphia Plan, named after a similar plan created by the city of Philadelphia, required the construction industry, famous for its discrimination against Blacks, to increase minority employment. In particular, it set timetables and measurable goals - essentially quotas. It was actually developed during the Johnson Administration which shelved it due to concerns about its legality. Nixon resuscitated the plan and lobbied Congress to pass it, though there were concerns that it violated Title VII. Surely, this was AA in its “strong” form. The order required most federal government employers to have an AA program in place to ensure equal employment opportunities. They had to submit reports indicating measurable progress. However, as has so often been true with AA, hidden agendas were at work. Nixon’s support of civil

rights was generally tepid. In all likelihood, he promoted the Philadelphia Plan in order to divide labor unions, who opposed it, from Blacks, who supported it, thus weakening the base of his political opponents. It would not be the last time AA was used as a wedge issue (Beckman, 2004; Brunner, 2006).

The Bakke Decision - in depth

The Supreme Court's decision in *Bakke vs. Regents of the University of California* represents a turning point in the history of AA. I will explore this landmark ruling in depth to illustrate the public and legal debate over AA that has raged for 50 years and continues to the present. In response to AA, the University of California Medical School at Davis reserved 16% of its admitted students for minorities. At the time, 23% of Californians were minorities while 2% were doctors (Selmi, 1999). In 1978, however, a 32-year-old white male, Allan Bakke, sued the school after his application was twice rejected in favor of less qualified minority applications. Less known is that Bakke was rejected by 12 other schools previously. Bakke's suit claimed that the medical school's quota system was unfair and constituted reverse discrimination. Ironically, he invoked the Equal Protection Clause of the 14th Amendment, which originally arose because of discrimination against Blacks. In a closely divided opinion, the Supreme Court ruled that although AA was legal, using quotas to enforce it was not. Allan Bakke was admitted and graduated (Lehmuller & Gregory, 2005; Moreno, 2003; Selmi, 1999).

Bakke vs. Regents is considered one of the most important cases ever to be heard by the Supreme Court. Over 1400 pages of briefs were filed by dozens of major organizations, including the NAACP and the U.S. Justice Department. These were represented by the nation's leading attorneys of the time - almost all of them White

(Selmi, 1999). Since Congress was reluctant, it was left to the High Court to resolve the dispute over AA. At stake was the meaning of the 14th Amendment, subsequent cases involving discrimination, the future of AA, not to mention the quality of life for millions of disadvantaged families. Those in favor of the University's special admissions program testified that discrimination was still a fact of life and that such programs were needed to help bring equal opportunity to minorities. They argued that the program acted as compensation for past injustices, benefited society by increasing minority professionals and role models, and better prepared all students for an increasingly multicultural workplace via a more diverse campus. Opponents countered that race based admissions were unconstitutional since they violated the Constitution's Equal Protection Clause. The program elevated race over merit, created tension between ethnic groups competing for preferences, ignored Whites who were disadvantaged, sent a message of inferiority to minorities, constituted a disabling handout, and damaged society by replacing the gifted with the less talented (Harper & Reskin, 2005; Lehmuller & Gregory, 2005; Selmi, 1999).

After months of such testimony and deliberations, the Supreme Court remained divided, just like the public that awaited its verdict. Nine justices presented six separate opinions covering more than 150 pages. At one end, Justice Rehnquist found the medical school's program discriminatory and questioned both the need and legality of AA. At the other was Justice Marshall who vigorously defended AA citing the continued need to redress past and present wrongs. The opinion most in the middle, Justice Powell's, represented a compromise which has been used ever since as *the* guide in deciding similar AA cases (Lehmuller & Gregory, 2005; Moreno, 2003; Selmi, 1999).

Justice Powell agreed that UCD's raced based admissions plan violated Bakke's equal protection rights under the 14th Amendment, thus rejecting the idea of "benign discrimination." Powell was skeptical about the fairness of AA. Given the increasing diversity of society, he wondered, how could one decide who should get preferential treatment? Given its potential for abuse, AA should be used only as a last resort. Perhaps most importantly, Powell found that raced based admission programs were not justified on the grounds that they helped redress the sins of society at large; he thus rejected one of the main tenets of AA. However, Powell provided a loophole used to this day: If every applicant is considered *individually*, with race as just *one factor* among many, then AA is legal. However, the school must show that a compelling state interest is being served, such as ensuring campus diversity (Killenbeck, 2004; Lehmuller & Gregory, 2005; Selmi, 1999).

The Powell decision was simultaneously attacked and lauded by both sides of the AA debate. Both sides claimed victory, predicted disaster, and vowed to fight on. Legal scholars then and now complained that the ruling provided a weak standard. It could be interpreted in many ways and did not specify *exactly* how race should be considered. Nevertheless, after 20 years, no better solution has been agreed upon. Though severely challenged, The Powell Doctrine of AA (to coin a phrase), that consideration of race is legal under limited circumstances, has stood the test of time (Lehmuller & Gregory, 2005; Selmi, 1999).

"Affirmative" action means taking vigorous concrete steps that yield measurable results. If one accepts that definition, then the Bakke decision took the "affirmative" out

of affirmative action. It effectively severed AA's roots in the 14th Amendment, striking down its use as an antidote to discrimination. It reduced "civil rights" to "college rights."

By the 1990s, AA was suffering further setbacks. California voters passed Proposition 220, which banned all forms of AA by a vote of 54% to 46%, Washington State and Florida followed suit. Then in 1996, in *Hopwood vs. the State of Texas*, the 5th Circuit Court of Appeals outlawed any form of racial preferences, even for the sake of campus diversity (Card & Krueger, 2005). Soon, Texas and other states dismantled their university's AA programs. It seemed the end of AA was at hand (Dickson, 2006; Harper, 2005; Selmi, 1999).

However, in 2003, the Supreme Court overturned the *Hopwood* decision. In *Grutter vs. Bollinger*, the High Court sided with University of Michigan's Law School (5-4) upholding its AA policy by ruling, once again, that race can be one consideration in admissions. However, the majority opinion also stated that AA in higher education should no longer be needed in 25 years. Consistent with *Bakke*, the Court struck down a point system used at the undergraduate level because it felt it was too reminiscent of quotas (Harper & Reskin, 2005; Lehmuller & Gregory, 2005; Moreno, 2003; Weber et al., 2005).

A Canterbury Tale

Consider the following statute:

Whereas, attempts have been made to establish literary institutions in this State for the instruction of colored persons...which would tend to the great increase of the colored population of the State, and thereby to the injury of the people.... Be it enacted that no person shall set up or establish in this State, any school for colored persons who are not inhabitants of this State. (Russell, 1833, p. 1)

Which southern state passed this law? The answer is none; the statute was enacted in 1833 by Connecticut, a northern state with a progressive reputation. After all, it was Connecticut that created the first written constitution, hid its charter in an oak to preserve liberty, helped pass the United States Constitution, set the Amistad slaves free, supported the Underground Railroad, adopted abolitionists, first ratified the 14th Amendment, and sacrificed thousands during the Civil War. Its Constitution of 1818 boldly declared all men equal in rights. However, as is so often true of AA's history, all is not as it first appears. For example, the Connecticut Compromise, to which the U.S. Constitution owes its existence, perpetuated slavery, counting each Black as three-fifths of a white person (with zero-fifths of the right to vote). Connecticut also brokered another compromise, one which extended the importation of slaves for 20 years. Furthermore, though Connecticut's constitution affirmed that all men are free, it did not consider Blacks to be men. Though an "underground railroad" did operate in Connecticut, the state also arrested fugitive slaves, placing ads to locate their masters. And while Connecticut was home to many prominent abolitionists, the majority of its White citizens were racists, if actions speak louder than words (Harper, 2003; Lang, 2002).

The idea that northerners were the "good guys" of civil rights and southerners the bad is simply wrong. The North was not a welcoming home for Blacks; it was a home to slavery, as in the South. Nor did it impose a kinder, gentler servitude: The enslavement was just smaller in scope. There is no better example of these surprising truths about the North than the state of Connecticut. It played a significant role in the slave trade, and supported slavery both at home and abroad until 1848. One noted historian concludes that it was slavery which made Connecticut's commercial economy a success, mainly through

products sold directly or indirectly to slave plantations: “Connecticut derived a great part, maybe the greatest part, of its early surplus wealth from slavery...It became an economic powerhouse in the 18th century, far out of proportion to its tiny size, because it grew and shipped food to help feed millions of slaves in the West Indies” (Lang, 2002, p. 1).

Connecticut was in several respects as complicit in the institution of slavery as Virginia or Georgia. Harriet Beecher Stowe remarked, “... this is slavery the way Northerners like it: All of the benefits and none of the screams.” (Lang, 2002, p. 1; Farrow, Lang & Frank, 2005; Harper, 2003; Shanahan, 2002).

Slavery existed in Connecticut as far back as 1640. The Puritans had a labor shortage which they tried to fill using Indian slaves. When that did not work out, Black slaves were brought in. Their numbers rose until by 1774 there were over 6,000 Black slaves in Connecticut, more than in any other New England state. Half of all professionals in Connecticut owned slaves, including ministers, lawyers, and public officials, as did many from the middle class. There were even plantations in Connecticut, as recent excavations are confirming. Connecticut treated its slaves worse than any other New England colony. Any slave striking a White, disturbing the peace, or simply speaking ill of a White person was subject to a minimum of 30 lashes. Slaves obeyed a strictly enforced 9:00 p.m. curfew. They could not leave town without written permission from their masters. Later, Blacks were prevented from living in town or buying land; even property they already owned was seized. There is ample evidence of considerable animosity between Black slaves and their White masters. In one incident, a Connecticut slave killed his master and then committed suicide; White authorities dismembered the

body and exhibited the parts as a warning to other Blacks (Harper, 2003; Lang, 2002; Shanahan, 2002).

Connecticut's actual record on civil rights is exemplified by the experience of Prudence Crandall, a young White teacher who, in 1833, founded a private school for White girls in Canterbury, Connecticut. The school was popular until Prudence enrolled a Black student, whereupon the parents threatened to remove their daughters and the town turned against her. Prudence, a devout Quaker, decided to reopen the school as New England's first private school for Black women. With the help of abolitionists, she succeeded in attracting Black female students from all over New England. But the townspeople would not have it. They cut off all support, refused to sell her food and other necessities, and terrorized Prudence and her students, hurling insults and stones at them. They even attempted to set the school on fire. When this did not break Prudence Crandall's courage, the town sought relief from the state of Connecticut, which obliged with the infamous "Black Law," cited above, that made the Canterbury Boarding School illegal. Prudence ignored the law in protest and continued teaching. She was duly arrested and tried. The arguments her attorney made in her defense were used a century later in *Brown vs. Board of Education*. After two trials, Connecticut's Supreme Court dismissed the case on a technicality and allowed Prudence to return to her school. However, it did not overturn a lower court ruling that Blacks were not protected as citizens. This protection was needed since, in response to the Supreme Court's dismissal, an angry mob attacked the school with clubs, breaking more than 90 windows. The next morning, Prudence Crandall closed the school to protect her students and fled the state. In 1883, Mark Twain used his influence to secure a small pension for Prudence from the

Connecticut Assembly. In 1984, Connecticut declared Prudence Crandall the state's official heroine. Despite this, the story of Prudence Crandall illustrates the depth and duration of prejudice against Blacks among northern Whites (Miller, 2007).

Not until 1848 was slavery abolished in Connecticut, but even as Blacks gained freedom, they were discriminated against, especially in the workplace. In 1939, however, Connecticut outlawed state employment discrimination under the State Merit System. In 1943, Connecticut established the nation's first official civil rights agency, the Inter-Racial Commission. Four years later, the state passed the Fair Employment Practices Act, which expanded the Commission's powers to include investigating employment discrimination complaints. However, it was not until 1959 that the Commission was granted the authority to *enforce* equal opportunity. Then, in 1967, the Commission was renamed "The Commission on Human Rights Opportunities" (CHRO) and was given the task of investigating all forms of discrimination. Regional offices were established with their own permanent legal staff to address complaints from individuals. The number of protections and protected groups was significantly increased. By 1975, the Commission's duties included administering state AA laws, in particular those that sought to remedy the effects of past discrimination in state government. Particular emphasis was placed on encouraging minority-owned businesses (CHRO, 2007b).

The result of these well-intended, but underfunded policies was a Commission completely overwhelmed with discrimination complaints. The Commission could neither keep up with these nor perform any of its other oversight duties, a phenomenon also seen at the federal level. To better handle the influx, the CHRO's case review process was streamlined to more quickly dispatch weaker claims of discrimination and concentrate on

the stronger cases. As of 2007, greater emphasis is placed on prevention, mediation, and early resolution (CHRO, 2007a).

Workplace Discrimination Vignette: The Saga of Jefferson Daniels

I now introduce “Jeff Daniels,” a composite person whose fictitious but accurate discrimination case we will follow. Jeff is Assistant Director of Admissions at Whiteall College, a prestigious and equally fictitious private college in Connecticut. Jeff, who is Black, has been passed over for the directorship several times in favor of White applicants with far less experience. A year ago, the post of director opened again, and despite fears of retaliation, Jeff decided to fight for the position. What were his options? Often the first step is to contact an organization’s ombudsman, a mediator assigned to handle employee discrimination claims and other complaints. Though ombudsmen are in theory neutral, it is not surprising that they tend to side with their employers. In Jeff’s case, the ombudsman arranged for Jeff to speak with the college’s president. Jeff asked the president why he had been repeatedly denied the directorship. The president praised Jeff’s ability but said someone with a different personality style was needed for such a visible position. When Jeff suggested the real reason was his color, the president tried to reassure Jeff that the decision was not racially motivated and reiterated the college’s equal opportunity policy. He said he understood Jeff’s frustration and offered him a salary increase as a token of the college’s appreciation. The president then urged Jeff to drop his claims of discrimination.

With the college standing firm, what could Jeff do? Both the National Association for the Advancement of Colored People (NAACP) and the American Civil Liberties Union (ACLU) handle employment discrimination claims, but, since Jeff had the means,

his best bet was to hire a private attorney specializing in employment litigation. As is typical, Jeff provided the attorney a detailed statement describing the discrimination he had suffered at Whiteall, including conversations and dates. The attorney then filed a complaint with Connecticut's Commission on Human Rights Opportunities (CHRO) along with a request that the claim be cross-filed with the federal Equal Employment Opportunity Commission (EEOC) (The agencies have a reciprocating relationship). The request to cross-file is important since it maximizes the chances of winning. Although it is not necessary to hire an attorney to file a complaint, the CHRO recommends it (CHRO, 2007a; EEOC, 2007).

Though both the CHRO and EEOC deal with discrimination complaints, there are important differences between the two. For example, it is easier to win at the federal level, but there are also greater restrictions, such as a cap in compensation that the state does not impose. The EEOC will not hear cases involving companies with less than 15 employees, nor if someone is over 40 and age discrimination is at issue. Also, if disability is a factor, the EEOC offers less protection than the state. In any case, if the petitioner anticipates needing to sue in federal court, he must first exhaust his options with the CHRO (CHRO, 2007a; EEOC, 2007).

Once Jeff files a complaint, a series of steps are set into motion; the overall process is illustrated in Figure 1 (Appendix A). The CHRO notifies Whiteall College. The college must reply, under oath, and then Jeff replies to the reply. All of this happens within 45 days, and, within 90 days, a CHRO investigator reviews all responses to decide if Jeff's case has merit (called a Merit Assessment Review).

What are Jeff's chances? At face value, Jeff's case is not very strong. An employer has every right to decide that an individual is not the right fit for a position. Whiteall College has not treated Jeff in a blatantly discriminatory manner. In fact, in terms of status and pay, he is doing better than most of his White colleagues. Statistics also do not bode well for Jeff. The EEOC receives over 56,000 Title VII complaints a year of which only 5% are deemed to have reasonable cause. The CHRO likewise dismisses that great majority of its cases (CHRO, 2007b; EEOC, 2007).

Jeff, however, was fortunate since the CHRO decided his case did have merit, citing the "manifest disparity" in the number of Black employees at the college compared to the qualified labor pool. Also, Jeff was apparently not the first employee to complain about Whiteall College. Jeff's attorney reminded him to report any evidence of retaliation, which is strictly forbidden by law. The CHRO now assigned a new investigator to probe more deeply and decide if Jeff would probably win in court, that is, if his case had reasonable cause. The investigator asked Whiteall College for more records and started interviewing its employees. The CHRO soon ordered mandatory mediation between Jeff and the College. The college still refused to offer Jeff the Director's position, but it did offer a very tempting separation package. The investigator subtly implied to both Jeff and the college that they might lose, a tactic meant to force them into agreement (CHRO, 2007a; EEOC, 2007).

Jeff's case was now at a crossroads. If the CHRO decided that Jeff's case had "reasonable cause," the state would make one more attempt at getting Jeff the Director's position. If this failed, the case would go before an official hearing that resembles a trial. However, whichever side lost could still appeal the decision in court, a process that could

take years. Meanwhile, Jeff would be working in a hostile environment, even if the college was circumspect. As is true of most cases, Jeff decided to settle and accepted Whiteall's separation package, thus ending his 15 year career at the college.

Majority Attitudes Toward Affirmative Action

The fate of AA ultimately rests on social attitudes toward it, particularly those of the majority. From the beginning, attitudes toward AA have been strong and tended to divide along racial lines. In general, ardent opponents of AA are found in the White majority and passionate proponents in the Black minority (Coleman, 2003). The purpose of this section is to analyze White attitudes toward AA and the influences that shape those perceptions.

In recent years, AA has been debated more intensely than ever. Supporters view AA as necessary for achieving justice, while opponents see it as a prime example of injustice. Most attitudes fall in between, agreeing with the goals of AA but ambivalent about its methods (Gamson, 1999). A plurality of Americans believes that AA is synonymous with the preferential treatment of minorities, such as quotas, and comes at the expense of White males (Pincus, 2000). Even though AA has resulted in increased opportunities for minorities and women, opinion polls show that many still doubt its value to society (Link & Oldendick, 1996). Opponents see AA as trying to make two wrongs into a right, while proponents see it as fighting fire with fire. Considering that the ultimate goal of AA is to heal our divisions, it is ironic how divisive it has been. It has not only exacerbated tensions between Blacks and Whites but also split minorities from each other (Taylor, 1995).

In general, most Whites are opposed to AA (Coleman, 2003). They feel that AA is fundamentally unfair (especially to Whites), violates the Constitutional principle of equal opportunity, undermines traditional American values, weakens the minorities it is meant to protect, and undermines its own goal of a color-blind America by dividing society along racial lines (Coleman, 2003; Feldman & Huddy, 2005; Taylor, 1995). Whites especially oppose AA programs that use preferences, or quotas, and that favor minorities over more qualified candidates (Harper & Reskin, 2005). They view this strong form of AA as a zero-sum game that simply replaces one form of discrimination with another, often termed “reverse discrimination.” Although less than 10% of Whites report personal experience with reverse discrimination, 50% to 75% believe it is common (Pincus, 2000). The resulting resentment can be seen in the stigmatization of AA beneficiaries, who are sometimes called “tokens,” and not just by Whites (Marable, 2005). Regionally, 98% of southern Whites feel resentful toward AA while 40% of Whites in the rest of the country feel resentment (Kuklinski et al., 1997).

As for AA in the workplace, 75% of Whites believe it rewards unqualified candidates at the expense of more deserving workers (Coleman, 2003). They hold that positions and promotions should be strictly a matter of merit, not race (Sternberg, 2005). Most Whites reason as follows: Too many unqualified applicants are hired solely because they are members of a minority group. Minorities and women should have an *equal* opportunity, not an unfair advantage (Harper & Reskin, 2005). Instead of being hired *regardless* of race, minorities are today hired *because* of their race. Why should a hard working employee lose out to a less deserving minority? Non-minorities also have families to feed, clothe, and shelter. Besides, when color is systematically elevated above

talent in a company, its productivity is bound to decline and then everyone will suffer (Harper & Reskin, 2005).

A study conducted by Pincus (2000) found that 55% of White participants believed AA cost White workers more jobs than corporate downsizing. One college educated respondent said, "I believe that affirmative action programs are destroying our nation." Another stated, "Affirmative action destroys an individual forever" (Pincus, 2000, p.10). Responses were similar for males and females. It must be noted that Pincus deliberately selected participants who oppose AA, so these views may or may not be representative of most Whites. Pincus suggests White opposition to AA results from a socially constructed White identity that includes a denial of any socio-economic advantages, a disavowment of involvement with racism, a belief that undeserving minorities get unfair advantages, the conviction that Whites are the true victims, and the perception that White economic woes are due to AA programs (Pincus, 2000).

In schools also, Whites feel, AA raises color over talent and character (Harper & Reskin, 2005). They ask, "Why should White candidates with better grades and scores be rejected in favor of ill-prepared, undeserving minorities? How is it 'equal opportunity' when standards are lowered for minorities but for not Whites?" By coddling minorities this way, Whites contend, race based admission allows unqualified candidates to attend schools they cannot handle, ultimately placing them at a competitive disadvantage in the real world (Kozol, 1991, p.177; Link & Oldendick, 1996). According to some Whites, defenders of AA are ignoring the drop-out rate of special admissions minorities at prestigious universities - a rate sometimes 50% higher than that of Whites (Zimbhoff, 2005). At the University of California Berkley, for example, the average SAT score for

Blacks was 947, while Whites had an average score of 1235. In the same university, 42% of Blacks drop out, compared to the 16% dropout rate for Whites (Harper & Reskin, 2005).

Most Whites feel it is up to parents, not government, to prepare children for college. They believe that only parents can instill the self-reliance, personal responsibility, and other values that lead to success in school and in life. Such leadership qualities are what the best universities want in a candidate (Kozol, 1991, pp. 177-189). These views may explain why upper class Whites oppose AA even more than middle class Whites. Believing their own success came from virtue, not advantage, wealthy Anglos view AA as little more than a handout to the undeserving.

Whether in the workplace or at school, Whites feel AA is outdated. They believe minorities no longer need racial preference programs since discrimination is a thing of the past. Everyone has the same opportunities, the thinking seems to go: Those who fail just did not work hard enough. AA has outlived its usefulness and should be abolished (Coleman, 2003). Such are the conscious views of many Whites, but what might explain why these attitudes are so prevalent?

Covert Attitudes

A series of psychological experiments conducted by Sniderman and Carmines (1997) indicate the pervasiveness of White antagonism towards AA. To avoid politically correct but inauthentic responses, indirect means were employed to elicit participants' true feelings about AA (Sniderman & Carmines, 1997). Two groups of randomly selected Whites were given an identical list of hot button issues, such as "large corporations polluting the environment." The experimental group, however, had an additional item,

“Black leaders asking the government for affirmative action.” Both groups were then asked how many items on the list angered them (but, to promote honesty, not which ones). The experimental group selected more items than the control group, demonstrating significant anger toward AA. Further analysis showed that 57% of White liberals in the group were angry compared to 50% White conservatives, while 65% of Democrats were angry compared to 64% Republicans (Sniderman & Carmines, 1997). Surprisingly, in this study, it appears that covert antipathy toward AA was greater among liberals than conservatives.

There is abundant evidence suggesting the power of unconscious discrimination as well (Hart, 2005). This is important since a number of studies suggest that White opposition to AA is symbolic racism (Coleman, 2000; Link & Oldendick, 1996). In one experiment, pairs of White and Black job applicants with identical resumes were sent to companies that touted their fairness in hiring. The White applicant was consistently hired over the Black applicants even by interviewers who professed racial tolerance. The study concluded that hiring discrimination against Blacks was widespread and intractable (American Psychological Association, 2005). Another study by Dovidio and Gaertner (2000) arranged for hiring interviews between self-described non-racists and Black and White candidates of varying ability. Rejection and acceptance rates were similar between Blacks and Whites whose ability was either obviously unqualified or clearly top-notch, but marginally acceptable Blacks were rejected more often than marginal Whites (Dovidio & Gaertner, 2000). These and many other studies indicate that unconscious racism influences many hiring decisions. As Former Secretary of Labor and Professor of Economics Robert Reich points out, “subtle but pervasive patterns of discrimination

dominate our society” due to White managers who “discriminate without having any idea they are doing so” (Hart, 2005, p. 745).

Social psychologists are establishing that stereotyping (and resulting prejudice) are learned early in life and, like other childhood experiences, influence the adult subconsciously. Far from being aberrant, stereotyping is the developmental norm (Hart, 2005). Cognitively, it serves to simplify the vast amount of data humans must handle every day. However, it can also cause White candidates to be viewed as superior to Black candidates, not because they are, but because the interviewer unconsciously expects them to be. In short, Whites have usually won the competition for jobs, even before interviews begin. This is just as true for liberals: “Many people who explicitly support egalitarian principles and believe themselves to be non-prejudiced also unconsciously harbor negative feelings and beliefs about Blacks and other historically disadvantaged groups” (Dovidio & Gaertner, 2000, p. 315).

A *Scientific American* article “Buried Prejudice: The Bigot in Your Brain” (Carpenter, 2008) conveys well the breadth and power of unconscious prejudice, and I now review it at length. The article begins, “Deep within our subconscious, all of us harbor biases that we consciously abhor. And the worst part is: we act on them” (p. 1). According to studies summarized in this piece, bias is instinctive, a natural outgrowth of cognitive skills important to survival; these skills include categorizing our environmental features, forming groups, quickly assessing social cues, and making rapid associations such as “snake-danger.” It is therefore all too easy to feel “Black man- threat” and cross to the other side of the street, as Black leader Jesse Jackson recently admitted he does. Most of these decisions occur reflexively, before we are consciously aware of them, as

brain scans indicate. For example, an area of the brain that helps identify faces shows the greatest response for same-race faces. Indeed, timed responses show that people remember faces of their own race more easily than those of other races. When photos of faces are flashed too quickly to be noticed, a part of the brain associated with fear, the amygdale, is aroused more strongly by Black faces than White faces, especially for those who are known to be biased. When the same photos are flashed long enough to be noticed, a different part of the brain is activated - the prefrontal cortex - perhaps to suppress the prior emotional response. Similarly, photos of Black faces with a frontal gaze elicit greater unconscious vigilance among White males than if the gaze is averted. And when an ambiguous object is shown accompanied by a Black face (versus White) it is more likely to be mistaken for a gun by both Blacks and Whites.

Measuring the speed at which people associate a demographic group with a particular trait can reveal unconscious stereotyping since the quicker the response, the stronger the association. For example, Whites respond more quickly to a word pair such as “Black-danger” than to “White-danger” indicating an innate bias, even when they describe themselves as color-blind. Such covert bias is far more prevalent than overt and profoundly influences people’s actual behavior. As the article states, “White people who exhibited greater implicit bias toward Black people also reported a stronger tendency to engage in a variety of discriminatory acts in their everyday lives. These included avoiding or excluding Blacks socially, uttering racial slurs and jokes, and insulting, threatening or physically harming Black people” (p. 4).

The article points out that stereotyping is learned in childhood, well before the stereotypes can be evaluated: “White preschoolers tend to categorize racially ambiguous

angry faces as Black rather than White; they do not do so for happy faces...full-fledged implicit racial bias emerges by age six-and never retreats” (p. 3). Unfortunately, self-interest tends to reinforce such prejudice. The urge to belong and feel important causes us to think divisively and engage in an “us versus them” mentality. The good news is that the influence of such prejudice over our behavior can be blunted, though it takes work. Implicit bias is weaker in people who have a strong desire to be fair and who are thoughtful, introspective, and disciplined. In addition, "Seeing targeted groups in more favorable social contexts can help thwart biased attitudes... recognizing the presence of implicit bias helps offset it” (p. 4). The article ends by suggesting that, while innate bias may be part of our nature, we can choose to overcome it. These findings regarding unconscious discrimination suggest to me that overcoming opposition to AA will require a long-term policy of educating Whites from a young age, an effort on a par with recent anti-smoking campaigns.

Many Whites believe that AA exacerbates White prejudice. Sniderman and Carmines (1997) measured the extent to which Whites agreed with a list of negative comments about Blacks. When AA was mentioned first in the list, Whites were far more negative toward Blacks than when AA was last on the list. In other words, the mere mention of AA early on seemed to exercise a priming influence and inflamed more prejudice toward Blacks. Again, despite protestations to the contrary, white liberals were just as opposed to AA as white conservatives. This supports the contention that AA exacerbates tensions between Blacks and Whites (Sniderman & Carmines, 1997).

However, opposition toward AA decreases when it is framed in race-neutral terms such as helping the *disadvantaged* rather than minorities (Roach, 2003). For example,

56% of Whites would support development funds for “Black neighborhoods,” while 79% would support funding for “high-unemployment areas” (Pincus, 2000). And support for AA increases if it is described as fighting specific instances of discrimination as opposed to promoting minority interests. Despite appearances, claims Sniderman and Carmines (1997), racism is not at the root of opposition to AA. When Whites were categorized according to their acceptance of Blacks, 80% of the most tolerant Whites were still opposed to AA. Sniderman and Carmines (1997) believes that Whites’ increased support for race-neutral AA has more to do with a greater feeling of fairness than a soothing of covert prejudice. These and other studies of White attitudes suggest that AA will fare better politically when it emphasizes helping *anyone* who is disadvantaged, including impoverished Whites. The way to move forward may be to frame AA programs in race-neutral terms while persuading Whites that it is in their best interests to support a range of policies that reduce inequality (Klineberg & Kravits, 2003; Roach, 2003; Sniderman & Carmines, 1997)

How accurate are studies of White attitudes toward AA? I will later show strong evidence that standard surveys underestimate White opposition, especially among liberals. Nevertheless, the negative views found by surveys and opinion polls for Whites overall is consistent with their behavior. For example, as noted earlier in this discussion, Whites in California proposed and passed Proposition 209 which abolished AA, and similar measures were passed in Washington state and Florida. A related proposition offered in Houston in 1997 serves as a case study. Until 1984, 95% of the city’s business was going to White-owned companies. To rectify this, the city council set aside 17% to 24% of municipal contracts for eligible minority firms (Klineberg & Kravitz, 2003). In

response, a national anti-affirmative action league offered a petition, Proposition A, to end the city's AA program, stressing "equality for all." Surveys taken before the election were consistent with the attitude of Whites described thus far; Whites strongly supported this effort to abolish AA. These attitudes translated into votes. In the election, 90% of Blacks voted against the proposition while 67% of Whites voted in favor. The Houston vote indicates that opinion surveys measuring overall White attitudes toward AA are relatively accurate (Klineberg & Kravitz, 2003). It also highlights the stark contrast between White and Black support for AA.

Influences on White Attitudes

Studies seeking to explain White attitudes toward AA often come to inconsistent and even contradictory conclusions (Link & Oldendick, 1996). For example, some studies deduce that White opposition to AA reflects a pre-existing prejudice, while others conclude the opposite - that White prejudice is aroused *by* AA (Kuklinski et al., 1997). Studies also disagree as to the actual strength of White opposition. For example, some conclude that Whites support AA in the workplace, while others find that Whites are deeply resentful (Taylor, 1995). Some studies suggest that White opposition to AA simply reflects Whites' low regard for Blacks. But Link (1996) counters that this is too simplistic: One must also consider what Whites think of *themselves*. He proposes that, of all groups, Whites are the most opposed to AA because they have the greatest "social construction *differential*": that is, they hold the most favorable views of themselves while having the lowest regard for other races (Link & Oldendick, 1996). These and other examples indicate the variety of explanations offered by studies of White attitudes toward AA, leaving us with a veritable zoo of possible influences.

To help put these studies into context, Figure 2 gathers together most of the influences on White attitudes mentioned by the studies reviewed here (Appendix B). As the model indicates, White response to AA may be influenced by many factors including socio-economic background, geographic region (especially the South), exposure to minorities, type of AA program, social desirability (wishing to appear unprejudiced), social construction (stereotypes), prejudice, genuine concern over fairness, self-interest, actual or perceived competition with minorities, the specific issues being addressed (e.g. bussing, college admissions, and layoffs) and framing of the issues. Notice that one influence can mediate another influence. For example, one's region (e.g. the South) may influence the degree of prejudice one has, which in turn influences one's regard for AA. The double-ended arrow between prejudice and attitudes signifies the possibility that they are mutually reinforcing. In addition, the model suggests that the disparate findings among various studies might be a result of measuring different aspects of attitude, such as unconscious beliefs versus concrete actions. As with the blind men and the elephant, what a study finds depends on its focus and methodology. Note that the model is simplified and does not show the complex interplay between all the factors that influence White attitudes (Kuklinski et al., 1997; Richardson, 2005; Roach, 2003; Sniderman & Carmines, 1997; Taylor, 1995).

We have seen that, historically, the existence of AA has depended on the support of white liberals. But what if most white liberals of today actually dislike AA, a feeling masked by a "reluctance... to express publicly their criticisms and anger over AA" (Sniderman and Carmines, 1997, p. 46)? In the experiment that follows I explore this surprising possibility.

CHAPTER III

METHODOLOGY

The purpose of this study was to examine majority attitudes toward Affirmative Action (AA) since the future of AA may depend on these views. Though it is common knowledge that conservatives generally oppose AA, there is evidence that most liberals do also. For example, a study by Sniderman and Carmines (1997) used the List Experiment (LE) technique to help reveal otherwise covert attitudes. Their study found that 59% of liberals oppose AA policies - a finding so unexpected I decided to confirm this result by replicating the LE. Based on this previous research, my primary hypothesis was that most Whites, whether conservative or liberal, will indicate negative feelings toward AA in the workplace. Although people of color were not the primary focus of this study, I also hypothesized that very few minorities, whether conservative or liberal, would oppose AA in the workplace.

The LE uses an ingenious technique designed to reveal people's true feelings about issues involving race and other sensitive issues. It assumes that a straightforward question such as "Do you oppose affirmative action?" will elicit an answer more politically correct than sincere. This is called the "social desirability" effect. The LE employs indirect means to more accurately ascertain people's views. Instead of asking *which* items on a list are upsetting, it asks *how many*. The subject therefore feels freer to be honest because no one can possibly know her opinion about a particular item.

Experimental Design

The procedure used in the present study closely replicated the original LE. Using SurveyMonkey on the Internet, two randomly selected groups, termed treatment and control, experienced almost identical presentations. The control presentation was

“Below are 4 items that sometimes make people angry or upset. After you read all four, indicate *how many* of them anger you, **not** which ones, just *how many*.”

- 1) The way gasoline prices keep going up.
- 2) Professional athletes getting million-plus salaries.
- 3) Requiring seat belts be used when driving.
- 4) Large corporations polluting the environment.

“How many of the statements above anger or upset you? _____”

The treatment presentation was identical to the control except that one additional item appeared at the end of the list: “5) Companies giving special consideration to Blacks when hiring.” After participants completed this part of the survey, questions regarding their race and ideology (conservative versus liberal) were presented on a separate page.

This experiment employed a fixed quantitative methodology. Although no direct mention of AA in the workplace was made in the survey, it seems reasonable to suppose that if Whites were angered by the target item “Companies giving special consideration to Blacks when hiring,” they would also be against a policy based on such a principle, which traditional AA certainly is. Similarly, if minorities were not angered by the target item, they would probably not oppose AA. Thus the hypothetical construct “attitudes toward affirmative action” was ascertained by determining the percent of the population angered by the statement “Companies giving special consideration to blacks when hiring.” This outcome variable was operationally defined to be a function of the

difference between the treatment and control groups in the mean number of items that participants said were upsetting. Thus, the independent variable was the presence or absence of target item 5, while the dependent variable was the number of items subjects indicated angered them. Assigning one point to each item, I calculated the average number of items selected by the treatment and control groups. A t-test for independent groups was used to determine whether the means of the treatment and control groups were statistically different. Taking the difference of these two averages and multiplying by 100 yielded the percent of the treatment group selecting item 5: that is,

$$\text{Percent Selecting Target Item} = 100 * (\text{TreatmentAve} - \text{ControlAve}).$$

For example, if the average number of list items selected by the control group was 1.0, and the average for the treatment group was 1.5, one could conclude that 50% of the population selected the target item. From this we might infer that 50% of the majority population sampled opposes AA in the workplace.

Cautions and Limitations

Although the LE seems simple, there are a number of factors that can skew its results. One is the ceiling effect where reaching the maximum can compromise results. If a respondent indicated that all 5 items angered her, I would know with certainty that AA is among them, a fact the respondent would realize, possibly raising her inhibitions again. For the LE to work, the respondent must be moved to leave at least one baseline item open. Thus the four baseline items should be non-sensitive. In fact, if any of the four items were very upsetting, it might overshadow my real interest - AA. One reason I held

closely to previous versions of the LE is that the number and wording of non-sensitive items used are “tried and true.”

As with all surveys, the precise wording of the target item was important. For example, “Companies hiring less qualified Blacks at the expense of better qualified Whites” is probably too provocative. Or consider “Companies using quotas when hiring.” The word “quota” is so highly charged that some respondents might be provoked without even considering AA. I could also err the other way; “Companies ensuring equal opportunities for Blacks” could be too leading. The most neutral wording I could think of was “Companies giving special consideration to Blacks when hiring.” It may be vague, but it does capture a necessary aspect of AA. However benign, an AA hiring policy cannot avoid placing special emphasis on minority applicants. Other wordings considered were a) “Companies hiring on the basis of race,” b) “Companies that hire ensuring equal opportunities for minorities,” and c) “Companies that hire ensuring proportional representation of minorities.” It may be that the only way to prevent wording from confounding the results is to compare the effects of various phrasings.

Other confounding variables might be number and order. It could be that the mere presence of a fifth item, irrespective of its content, causes treatment subjects to select more or less items than the control group. However, previous experiments have shown that replacing a sensitive item with the target item (instead of adding it) does not change the result (Sniderman & Carmines, 1997). Order, however, could make a difference. Consistent with the original LE, my target item is added to the end of the list, but perhaps adding it to the beginning would yield a different result. However, previous studies indicate that this could actually increase the measured opposition toward AA. Recall that

in the Mere Mention experiment (Sniderman & Carmines, 1997), more hostility toward AA was found if it was mentioned at the beginning of a list than at the end. Thus, in terms of order, adding the target to the end should actually yield the most conservative measure of White liberal opposition.

Using SurveyMonkey as the data collection instrument might also introduce a confounding variable. To my knowledge, the LE has never been performed using the Internet; it has always been conducted in person or over the phone. I would think that using the Internet would be beneficial in that it would increase a subject's sense of anonymity; after all, since no human is present, social desirability effects should be lessened. However, it might be that people using the Internet actually feel less anonymity. To help determine this, one could add a third control group, where the same presentation is given orally or via handouts, then compare the results to my Internet based survey. Unfortunately, time did not permit the inclusion of such an in-person survey group.

Using SurveyMonkey implies self-selection of participants, which may not give a population representative of Whites in general. It could be that willingness to take an online survey correlates somehow with attitudes toward with AA, perhaps via socio-economic status (SES) effects. However, since SurveyMonkey is widely used by professionals, and increasingly by the general public, I assumed this effect was negligible.

Sample and Data Collection

The study received approval from the Smith College School for Social Work Human Subjects Review Committee in February 2009 (See a copy of the approval letter in Appendix C.). Data collection began immediately afterward. The complete sample

consisted of 349 U.S. residents, 18 years or older, who took the experiment's online survey at SurveyMonkey.com in response to an invitation to participate posted on Craig's List (See a copy of the posted invitation in Appendix D.). Respondents who followed the hyperlink to the survey viewed a welcome screen, then an Informed Consent form (A copy of the Informed Consent is contained in Appendix E.). If respondents declined to consent or at any time decided to discontinue, they were thanked for their interest and the survey immediately concluded. Otherwise, the next screen asked those participating if they were born in the first or last half of the month. Those born in the first half of the month were assigned to the control group while those born in the last half of the month were assigned to the target group; this procedure was designed to eliminate any source of bias in determining which participants were selected for either group. The control group viewed the following screen:

“Below are 4 items that sometimes make people angry or upset. After you read all four, indicate *how many* of them anger you, **not** which ones, just *how many*.”

- 1) The way gasoline prices keep going up.
- 2) Professional athletes getting million-plus salaries.
- 3) Requiring seat belts be used when driving.
- 4) Large corporations polluting the environment.

“How many of the statements above anger or upset you? _____”

The other half, the target group, viewed a screen identical to that above, except for one additional item:

- 5) Companies giving special consideration to Blacks when hiring

The next screen requested demographic information as follows:

Demographic Information

Age: _____

Gender: Male__ Female__

Race: African-American____ Asian/Pacific Islander____ Caucasian____ Hispanic____

Ideology: Conservative____ Liberal____

The final screen thanked the participants for their time.

Ethics and Safeguards

The experiment was safe at several levels. Though the survey asked “How many of the statements above anger or upset you?” this is more a figure of speech, else watching the news would have to be considered risky. In addition, four of the five questions asked were deliberately selected to be fairly neutral. Finally, the survey could not continue without the participants’ agreement. Those who did not agree were thanked for their time and the survey ended.

This study’s methodology was intrinsically anonymous: Indeed, that was its point, to reveal otherwise covert feelings by guaranteeing anonymity. No personally identifying information was taken. In fact doing so would defeat the study’s objective. In addition, use of SurveyMonkey provided an additional level of anonymity, confidentiality, and data security. Finally, results consisted of purely numerical averages across groups so that identifying individual responses was impossible.

All data have been encrypted and will be stored on a locked compact disk for three years, in compliance with federal regulations. If needed beyond that time, the data will remain secure until no longer needed, at which point the CD will be destroyed.

Data Analysis

Operationally, my hypothesis was that for both White liberals and conservatives, the difference in the average number of items picked between the 5 and 4 item groups would be > 0.5 . Similarly, I predicted that for non-Whites, the difference in the average number of items picked between the 5 and 4 item groups would be < 0.1 , irrespective of ideology. I exported the data into an Excel spreadsheet and sent it to Marjorie Postal, research analyst at Smith College School for Social Work, who ran the data in the statistical program Statistical Package for the Social Sciences (SPSS). A t-test was run to determine if there was a difference in the mean number of items selected by the control group compared to the treatment group for White liberals, White conservatives, as well as non-White liberals and non-White conservatives.

CHAPTER IV

FINDINGS

In order to explore majority attitudes toward Affirmative Action (AA), this study used the Internet to replicate a survey conducted by Sniderman & Carmines (1997) based on the Kuklinski List Experiment. My prime hypothesis was that most self-identified White liberals, presumably the guardians of AA, actually oppose it. If confirmed, such a finding would have profound implications for the very survival of AA, assuming that my participants are typical of White liberals in general. Operationally, my hypothesis was that, for Whites, the average number of items picked by the treatment group would be greater than the average picked by the control group: specifically that the difference would be 0.5 or more. According to LE methodology, this difference, if found, would mean that more than half of Whites sampled were angered by the target statement.

Demographics of Participants

The experiment ran from February to March of 2009. Of the 350 respondents who started the survey, 349 completed it. Of these, 51% were randomly assigned to the treatment group with the remainder going to the control group. Ages ranged from 18 to 80, with 32 years the mean. Females comprised 65.8% of the total while males represented 34.2%. In terms of ideology, liberals comprised 63.8% of the sample whereas conservatives made up 36.2%. In regards to self-described race, 60.9% were whites, while 39.1% were non-whites. These demographic characteristics are presented in Table 1.

Table 1. Selected Demographics of Participants

<i>Gender</i>	<i>Frequency</i>	<i>Valid Percent</i>
Female	227	65.8
Male	118	34.2
<i>Ideology</i>	<i>Frequency</i>	<i>Valid Percent</i>
Conservative	125	36.2
Liberal	220	63.8
<i>Ethnicity</i>	<i>Frequency</i>	<i>Valid Percent</i>
White	210	60.9
Non-White	135	39.1

Statistics

Two groups experienced one of two stimuli: a list of four items, or the same list with an additional 5th item (“Companies giving Blacks special consideration when hiring”). Participants were then asked how many items “angered” them. A t-test was run to determine if there was a difference in the mean number of items selected by the control group compared to the treatment group for each of four race/ideology sub-groups: White conservative, White liberal, non-White conservative, and non-White liberal. There was a significant difference between the White liberal treatment and control groups: ($t(129) = 4.224, p < .01$). The treatment group picked a mean of 2.78 items while the control group picked a mean of 2.04 items. There was also a significant difference between the White conservative treatment and control groups ($t(76) = 2.966, p < .01$). The treatment group picked a mean of 2.69 items, while the control group picked a mean of 2.08 items. There was no significant difference between the control and treatment groups for the non-White groups (both conservative and liberal).

Table 2: Between Group Comparison of the Means for Whites

	Trt. Grp	Ctrl Grp		<i>p</i>
White Liberals	2.78	2.04	$t(129)=4.224$	<.01
White Conserv.	2.69	2.08	$t(76)=2.9666$	<.01

Results

The main result of the experiment was that more than half of White liberals and conservatives were indeed angered by the target statement “Companies giving special consideration to Blacks when hiring.” This finding is significant ($p < .01$) and supports the study’s hypothesis. The difference in the means between the treatment and control groups for White liberals was .74: that is, 74% of White liberals selected the target item. According to List Methodology, this means that almost three-quarters of White liberals who participated in this study’s survey are against companies giving Blacks special consideration when hiring, a feeling also shared by 61% of White conservatives who completed this survey.

In stark contrast to Whites, minorities were apparently untroubled by the target statement. No difference was found when comparing the treatment and control groups for either non-White liberals or non-White conservatives. This is consistent with my hypothesis that for non-Whites the difference in the average items selected by treatment and control groups would be < 0.1 : that is, less than 10% of minorities would select the target item. This finding is also consistent with the historically strong support AA has received from minority groups.

CHAPTER V

DISCUSSION

This study explored White attitudes toward affirmative action (AA) in the workplace. The prime hypothesis was that most white liberals harbor antagonism toward AA, contrary to expectation and standard surveys. To test this, I used a non-traditional survey based on the List Experiment (LE), an approach that, while it cannot uncover the views of any one individual, accurately measures group attitudes. In fact, it is the LE's inability to ascertain individual feelings that is its strength, for respondents know this and are therefore more forthcoming about their views. In "Reaching Beyond Race," Sniderman and Carmines (1997) describe an LE based study that found 59% of White liberals felt resentment toward AA, a finding I found counter-intuitive considering liberals' historic support for AA policy. However, the main result of my study was that 74% of White liberals responding to my survey object to AA, even when AA was not mentioned directly.

Observations on the List Experiment

Though this was a study of majority attitudes, not of the LE per se, some observations about this survey technique are relevant. One question is whether the mere presence of a 5th item might cause the treatment group to select more items than the control group. My experiment adds to previous studies ruling this out, since for non-Whites, no difference was found between the 4 and 5 item groups. If the mere presence of an additional item had been determinative, differences between the control and treatment groups should have been seen for both Whites *and* non-Whites. It appears that in terms of the target item, content is what counts.

Another question was whether use of the Internet would tend to reduce the LE's effectiveness (As mentioned above, to my knowledge this study is the first time the LE has been given online.). The results indicate that the Internet did not reduce subjects' sense of anonymity and may have actually strengthened it. Indeed, a question worth pursuing is how much the Internet alone might reduce social desirability effects. It might be that, if given online, a standard survey asking for opinions about AA *directly* might be just as accurate as the LE's indirect approach. Adding a third "standard survey" group to this study's experiment might help determine this. For such a group, the LE approach would be reversed and subjects asked *which* of the 5 items angered them, not how many, as most surveys do. If results for a 5 item "which ones" group were similar to the 5 item "how many" group, the LE might not be needed for web-based surveys. This is relevant because the LE is rather resource intensive; half of the sample population must be devoted to the control group, and only one issue can be addressed at a time. This may explain why the LE, though it may yield the most accurate survey results, is not used more often.

A concern mentioned in the methodology chapter was the possibility that respondents would object to either all or less than two items, with negative effects on the candor of responses. The problem is that if respondents were moved to select all items (or only one), their inhibitions might be triggered since I would then know which items they had chosen. To avoid this, I stayed with the 4 "tried and true" non-target items used in the Sniderman and Carmines study and, as hoped, virtually all participants selected items in the desired range.

Another reason I used Sniderman and Carmine's 4 filler items was to enhance the comparison of my study to theirs, and indeed, our results are similar in that both studies found that the majority of White conservatives and liberals oppose AA. Still, our studies may not be truly comparable: Mine was Internet based, asked a different target question, and had far fewer participants. It was also conducted a decade later, following significant legislative and judicial events regarding AA.

One might argue that since my survey did not mention AA, it did not actually measure attitudes toward it. However, I did not mention AA in order to yield the most conservative measure of opposition to it. The term "affirmative action" has become so freighted with negativity, its mere mention might inflame passions. I elected instead to refer to what AA *does* - giving special consideration to Blacks when hiring - which hopefully is equivalent to a more direct reference while being less provocative.

Evaluation of Study

In retrospect, the most serious flaw in my experiment is its lack of nuance. For example, I deliberately forced respondents to describe themselves as either liberal or conservative, when many consider themselves independents. Moreover, I did not define these terms, which likely mean different things to different people. Similarly, respondents could only say whether an item upset them or not, not their degree of dislike. Instead of such nominal measures, more sensitive ordinal scales for ideology and anger might have revealed smaller differences between the control and treatment groups. In addition, although my findings are broadly consistent with previous LE studies, I am still dubious that 74% of White liberals oppose AA, a percentage that seems too high. However, White opposition to AA does increase at times when individuals feel threatened economically,

and the current economy is considered the worst since the Great Depression. Perhaps too the recent election of President Obama may have increased the feeling that AA is no longer needed. Finally, I have found that some readers remain dubious that one can really know what percentage of the sample population picked the target item. For these, I offer the wonderfully lucid explanation given by Dr. Sniderman in “Reaching Beyond Race” (See Appendix F.).

My technique for randomly assigning respondents to either the control or treatment groups within a single survey was successful and might prove useful to others. Normally, one would set up two separate surveys, one for the control group and another for the treatment group, and then send out two different recruitment requests. This is what SurveyMonkey.com recommended when I contacted them. However, I was able to maintain a single survey by asking up front, “Which half of the month were you born in?” then jumping to the appropriate survey page using SurveyMonkey’s “skip logic.” This resulted in a more controlled experiment and made it easier to compile and compare results.

Implications

The struggle between conservative and liberal forces over AA is not a relic of a bygone era. The conservative campaign to end AA continues unabated. In 2007, the Supreme Court struck down voluntary integration plans in two public schools, and it is currently deciding a reverse-discrimination lawsuit brought by White firefighters from New Haven, my home state of Connecticut. The latter case is described by the ACLU as a covert attack on Title VII of the 1964 Civil Rights Act (reviewed earlier, Chapter II), which prohibits employment practices that have a discriminatory impact on minorities. In

addition, the High Court is considering striking down a central provision of the Voting Rights Act of 1965, which has protected minorities from regional efforts to disenfranchise them, such as recent voter id requirements, which, like poll taxes of old, tends to discourage voting by eligible minorities.

As seen in the Literature Review, AA owes its very existence to those who espouse a liberal philosophy, from the abolitionists to Roosevelt, Kennedy, and Johnson. But the conventional view that White liberals support AA while White conservatives oppose it appears to be wrong, if my findings are truly representative. The truth may be that Whites in general oppose AA, politically correct self-reports to the contrary. If so, then the fate of AA may be sealed, for who in power is left to defend it? To paraphrase Edmund Burke, when it comes to AA, “All that is necessary for Conservatives to triumph is that Liberals do nothing.” This study should therefore raise an alarm for social workers who sincerely believe in AA. It may well be that our peers publicly defend AA while secretly opposing it. If so, a more honest dialog is needed and new approaches to advocacy devised. A better understanding of liberal ambivalence or aversion toward AA is essential.

Sniderman (1997) suggests that White opposition to AA stems more from a sense of fairness than from racism. The preferential treatment AA sometimes employs, he concludes, goes against the principle of equal opportunity cherished by Whites, especially liberals. But if that is the case, where is the White outcry against the preferential treatment Whites give themselves in educational and job opportunities? (Coleman, 2003). If prejudice is not a factor, why are Whites more likely to support AA for women than for Blacks (Crosby, Ferdman, & Wingate, 2001)? Rather than a sense of

fair play, I believe there is stronger evidence that the basis of White objections to AA is largely self-interest (Bobo, 1998; Coleman, 2003; Little, Murry & Wimbush, 1998; McConahay, 1983; Taylor, 1995). Consider, for example, the sudden support AA is getting in some quarters as a result of the declining proportion of White males in college. One dean stated that the trustees would not allow their university to become a “girl’s school.” These same trustees, who had previously opposed AA for minorities, now suggested using AA to increase male enrollment (Malveaux, 2005). Another example of self-interest is the fact that the lower the grade point average of White students, the more they favor abolishing AA in college admissions (Zamani, 2000). Similarly, White opposition toward AA increases when the economy slows (Pincus, 2000). In all cases White self-interest is aroused when they perceive themselves in greater competition with Blacks over resources (Coleman, 2003).

Right-wing hate groups view AA as a plot to destroy the White race (Pincus, 2000). However, most Whites are not blatantly racist (Sniderman & Carmines, 1997). Still, 68% of Whites believe that the challenges facing Blacks are not due to discrimination, so by elimination, this implies some defect in Black individuals’ character or culture (Coleman, 2003). And, according to aversive racism theory, discrimination still occurs: It just happens surreptitiously so as not to ruffle one’s self-image of tolerance (Dovidio & Gaernter, 2000). Putting together the evidence for self-interest and for covert prejudice, one can postulate that self-interest motivates Whites to unconsciously discriminate against minorities in order to preserve White dominance. White attitudes toward AA may derive from these feelings, however hidden.

If hidden self-interest and prejudice in Whites are indeed the ultimate causes of minority disfranchisement, then combating such insidious forces will require taking vigorous concrete steps with measurable results – in other words, AA. Making Whites aware of their own unacknowledged biases will be necessary and difficult. Whites must be educated, tirelessly, about the plight of Blacks, including statistics that support the need for AA (Link & Oldendick, 1996). This might help to counter White attitudes that are “based on an erroneous empirical base” (Pincus, 2000, p. 22).

As the studies presented indicate, rhetoric will not be enough. Whites must be convinced that it is in their own best interest to ensure that the children of minorities receive the same opportunities their own offspring enjoy. After all, despite the power of self-interest, Whites died to end slavery and marched with Blacks during the Civil Rights Movement. With enough evidence, it is not impossible that someday Whites will choose to affirm AA.

Recommendations and Conclusion

Based on previous research and the present study, I conclude that discrimination toward Blacks and other minorities is present, pervasive, destructive, and deep-rooted. Workplace discrimination is just one of its manifestations. As we have seen, a tendency toward prejudice is innate, ingrained in our nervous systems, and largely unconscious. As with any virtue, fairness is an ideal we will always fall short of.

Therefore, legislating color blind conduct without enforcing compliance is doomed to failure. Knowing full well the power of self-interest, society does not simply ask that right be done; it demands compliance through societal laws, backed by punishment for scofflaws. Businesses are not just politely enjoined from conflicts of

interest; they are audited for compliance and fined when they fail. Yet opponents of AA would rely on good will to ensure color blind hiring from employers. Equal opportunity was on the books for a century, but it remained a set of impotent words until real progress was mandated by AA. Without audits, fines, and other penalties, the majority will continue to fall prey to temptation and use their power to perpetuate that power.

Privilege is a most powerful drug, and the ruling class, whatever its pigmentation, will not give it up without a fight. I believe the ultimate cause of poverty for the minority is the beliefs of the majority. I also believe that few Whites intentionally set out to disenfranchise non-Whites; they merely want the benefits of their power to continue. Each person makes little decisions, mostly subliminal, that energize negative feedback loops which, multiplied by millions, form the vortex of racism. Since White attitudes toward minorities are self-fulfilling, I believe it is essential that they be understood. Though micro-level attempts to defeat prejudice, such as appeals to conscience, are of little effect, the practical harms of bigotry can be fought at the macro level. So although AA cannot force Whites to like non-Whites, it can help prevent that dislike from translation into actual inequities in health, education, employment, suffrage, and other benefits.

But AA, which has done so much to provide these opportunities, is dying. The nation's will to recognize and combat prejudice is at a low ebb, the election of President Obama notwithstanding. AA is not only still needed, it needs to be strengthened. Yet, despite overwhelming evidence in their favor, proponents of AA are losing the policy debate. One study concludes, "At this moment in history, the United States has lost its political will to challenge racial employment inequality" (Stainback et al., 2005, p. 14).

Critics of AA, such as Ward Connelly and his “Center for Individual Rights,” have spearheaded propositions in several states to ban AA, with more states targeted.

Opponents of AA have gained the advantage by presenting well-honed, muscular arguments that (however specious) appeal to Whites’ fears and build grass-roots support. Instead of vigorously mounting a counter-attack, proponents of AA appear to be in disarray, perhaps hoping that the Supreme Court will once again overrule the majority of public opinion. However, given the High Court’s conservative makeup at present, this seems unlikely for decades to come (Girstle, 2006).

Supporters of AA must instead try to win the heart and minds of more Whites, not an easy task given the extent of their self-denial (Studies indicate that virtually *everyone* has trouble detecting patterns of discrimination.). Nevertheless, proponents must reach out and tirelessly educate Whites about the deplorable condition of Blacks in this country. They also need to appeal to Whites’ self-interest by pointing out the actual threats to Whites’ quality of life, such as corporate greed. When White people believe their jobs are threatened more by AA than by outsourcing, serious re-education is in order (Feagin, 2005; Ferber & O’Brien, 2004).

Effective support for AA must feature rigorous, statistically backed arguments. Opponents claim AA results in reverse discrimination. Supporters must counter that out of 3,000 such claims, only 6 could be substantiated. Opponents profess that merit alone should determine success. Supporters must point out that most promotions already involve preferential treatment, preference of Whites for Whites. Opponents argue that AA is hypocritical, that it moves the nation away from its own ideal of a color-blind society. Supporters must point out that fighting fire with fire is valid: Police use coercion

to fight coercion and doctors use disease (vaccines) to fight disease. Using preferences to fight prejudice is not inconsistent. Opponents argue that AA is not effective. Supporters must highlight studies that confirm AA's role in increasing minority representation at all levels of employment, along with increased earnings and educational attainment.

However, the most powerful argument used by opponents is that AA is no longer needed. Supporters must point out that the median financial net worth of Whites is twelve times that of Blacks, that it is twice as difficult for Blacks to obtain a mortgage as it is for Whites, that it is three times as difficult for blacks to gain employment as Whites, and so on, with an unfortunate, but overwhelming list of disparities (Coleman, 2003; Girstle, 2006; Harper & Reskin, 2005; "Kirwan Institute", 2004; Smedley, 2007).

There are those who advise framing AA in ways more appealing to Whites. They recommend describing a policy in terms of "reaching out to the disadvantaged" rather than "giving preference to minorities" or speaking of "increasing diversity" rather than "achieving proportional representation." This may be overly timid. Why not go on the offensive? Speak plainly. Equality has never been won by begging; it must be seized. Blacks are 12% of the population; why should they not appear in roughly this proportion in all walks of life? What other measure of fairness is there? Seeing a Black judge, senator, banker, doctor, CEO, engineer, or architect should be no more remarkable than seeing a red-head in those occupations. Do not run from the "Q-word." Insist on quotas until racial balance is achieved. One of AA's greatest contributions has been that it requires organizations to objectively measure the presence of discrimination. Advocating the continuation of such metrics must be a top priority (Girstle, 2006; Herring, 2002; Klineberg & Kravitz, 2003).

In recent rulings, the Supreme Court has barely upheld AA. Before she retired, Justice Sandra Day O'Connor suggested that AA would be unnecessary in 25 years, implying an expiration date on the Court's already reluctant support. In fact, most Whites believe AA is not needed now. However, there is strong evidence that supports the opposite conclusion: AA is not only still needed, it may be essential so long as equality and justice remain ideals in our society. The founding fathers of this country agreed that "Eternal vigilance is the price of liberty." They specified *eternal*, not 25 years, because they believed there would always be men who would try to dominate other men (They would know: Many of them were slaveholders.). In fact, our Constitution is based on the idea that society tends to divide into competing factions, with one faction trying to gain power over another. If this is true, AA will be needed to combat discrimination for many years to come.

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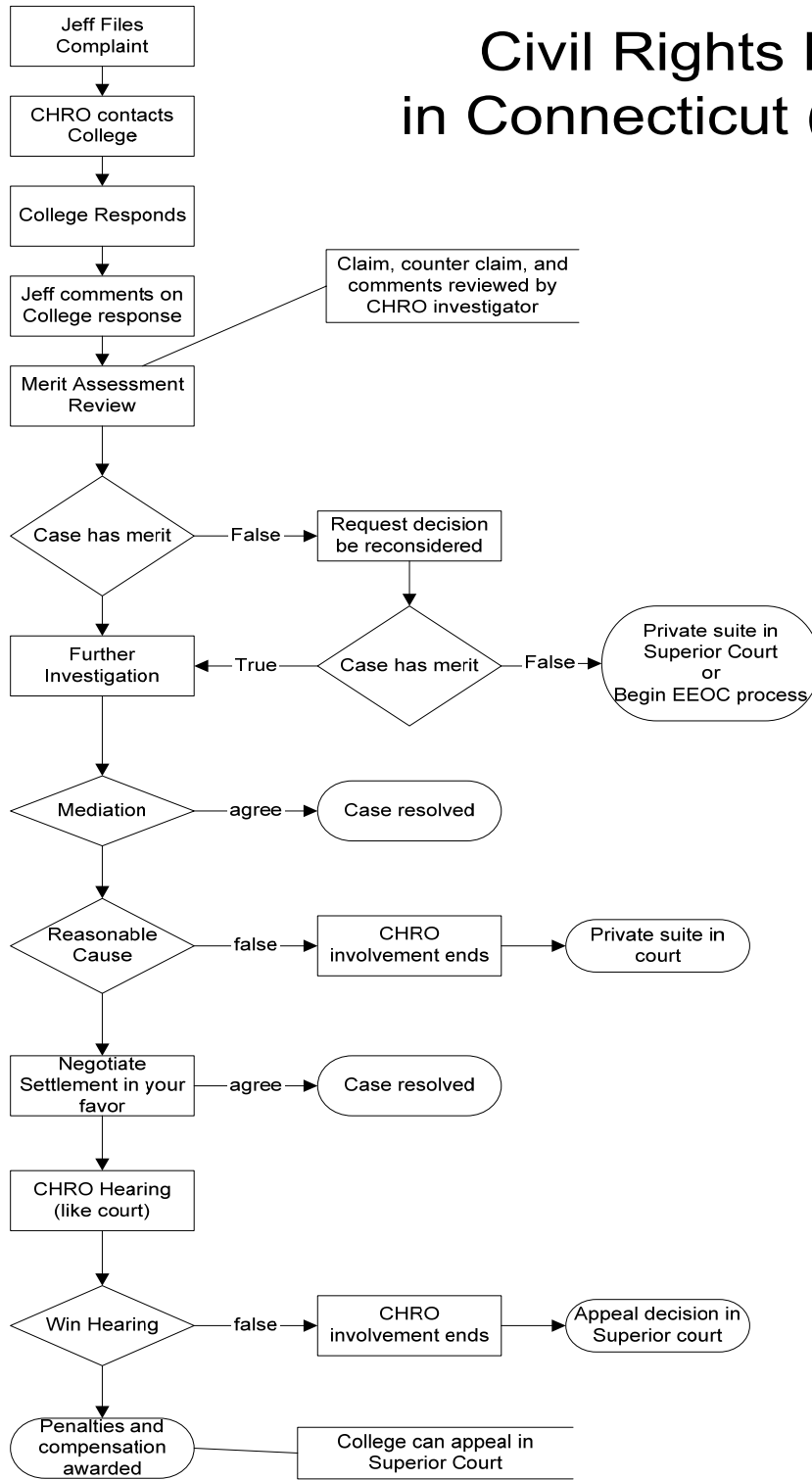
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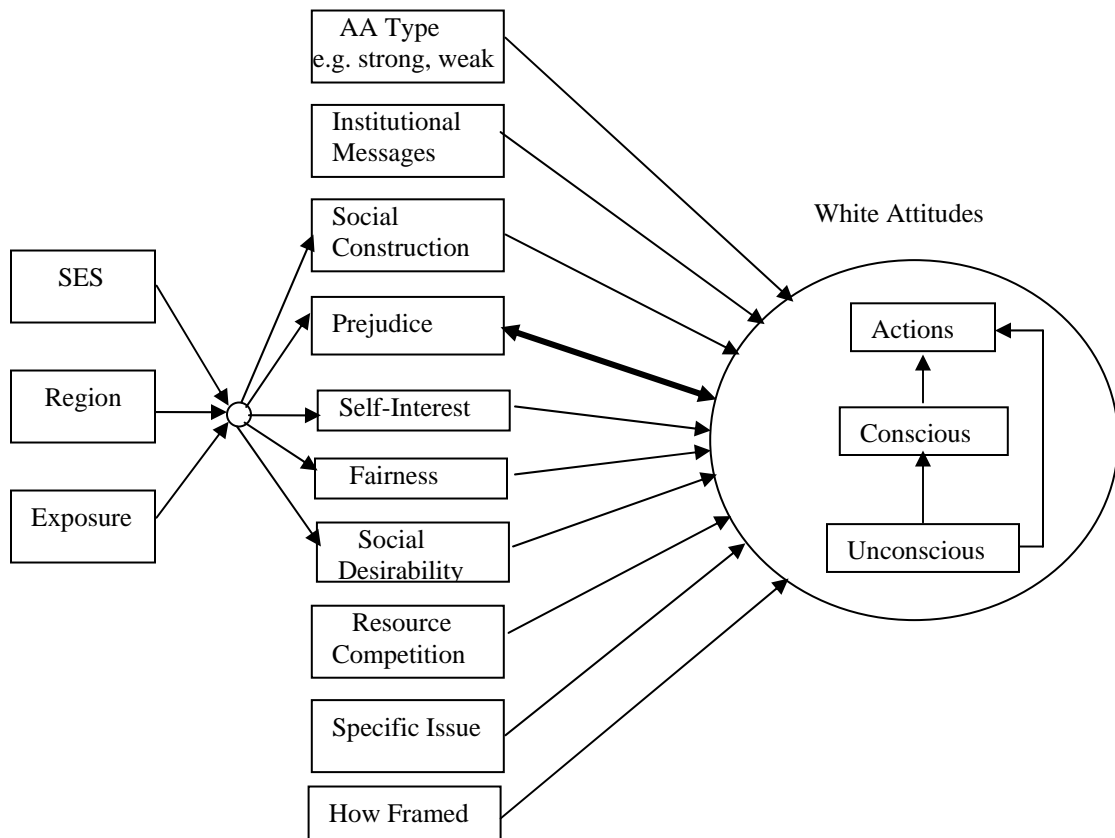
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Appendix A: CHRO Complaint Process

Civil Rights Process in Connecticut (simplified)



Appendix B: Model of Influences on White Attitudes toward Affirmative Action



Inputs

SES: Socio-Economic Background (Income level, education, class, etc.)

Region: Geographic Region especially South and bordering states

Exposure: Exposure to Minorities (live with, work with, share school with, etc.)

AA Type: Type of Affirmative Action program (strong, weak, forward, backward)

Institutional Messages: Views toward AA expressed by supervisors, political leaders, media, etc.

Social Construction: Deeply held stereotypes towards a race.

Social Desirability: Wishing to appear unprejudiced, or otherwise “politically correct”

Fairness: Sincere concern that quotas etc. are themselves discriminatory.

Resource Competition: Actual or perceived amount of resources (e.g. openings at a school or workplace) leads to sense of competition with minorities.

Specific Issue: How broad and what particular issues are being considered e.g. Bussing, College admissions, etc.

How Framed: How the AA program is presented e.g. Presence or absence of words such as “preferences,” “quotas,” “set-asides,” etc.

Output: White Attitude toward AA. Three levels: Actions, Conscious, Unconscious

Appendix C: Human Subjects Committee Approval Letter

February 10, 2009

Sonnie Chong

Dear Sonnie,

Your revised materials have been reviewed and they are now complete. We are happy to give final approval to your study.

Please note the following requirements:

Consent Forms: All subjects should be given a copy of the consent form.

Maintaining Data: You must retain all data and other documents for at least three (3) years past completion of the research activity.

In addition, these requirements may also be applicable:

Amendments: If you wish to change any aspect of the study (such as design, procedures, consent forms or subject population), please submit these changes to the Committee.

Renewal: You are required to apply for renewal of approval every year for as long as the study is active.

Completion: You are required to notify the Chair of the Human Subjects Review Committee when your study is completed (data collection finished). This requirement is met by completion of the thesis project during the Third Summer.

Good luck with your most interesting project.

Sincerely,

Ann Hartman, D.S.W.
Chair, Human Subjects Review Committee

CC: Andrew Jilani, Research Advisor

Appendix D: Recruitment Letter

Dear Prospective Participant:

Are you an adult interested in current events? This is a letter requesting your participation in a study of public opinion regarding selected topics of importance. If you are 18 or older and are a U.S. resident, I am requesting that you fill out a brief questionnaire for a research project that I am conducting for my Master's of Social Work thesis at Smith School for Social Work.

If you are willing to participate, please click on the link which will lead you to an Informed Consent Form as well as the survey. Thank you in advance for your time and consideration. Your interest and efforts in helping with this research endeavor are greatly appreciated.

Sincerely,

Sonnie Chong
Smith School for Social Work

Appendix E: Informed Consent Form

Dear Research Participant,

My name is Sonnie Chong, and I am a graduate student at Smith College School for Social Work. I am conducting a study of people's opinions regarding selected current events. The study is designed so that respondents are completely anonymous; it is impossible for me to know who has filled out the questionnaire. The data obtained in this study will be used for my Master's thesis and for possible presentations and publications.

Your participation is requested because you are an adult interested in current events. If you are 18 or older, a U.S. resident, and choose to participate, I ask that you complete the following anonymous survey regarding your feelings on a number of issues. In addition, I will ask you to provide demographic information about yourself, but no personally identifying information will be requested of you. The survey will follow this consent form and takes 5 minutes or less.

The benefits of participating in this study are that you have the opportunity to contribute to research regarding public opinion and to share your feelings about a number of important issues. Unfortunately, I am not able to offer financial remuneration for your participation.

Your anonymous opinions are kept strictly confidential. As required by Federal guidelines, this information will be kept in locked files from three years until it is no longer needed, at which point it will be destroyed. If any publications or presentations result from this research no information identifying any of the participants will be used; in publications or presentations the data will be presented in the aggregate or group form.

Participation in this study is completely voluntary. You may decline to answer any question(s), and you may withdraw from the study at any time without penalty by not submitting the finished survey. However, once you have submitted the survey you will not be able to withdraw from the study because it would be impossible to identify your particular survey for removal once it has been submitted, since it is submitted anonymously.

BY AGREEING, YOU INDICATE THAT YOU HAVE READ AND UNDERSTAND THE ABOVE INFORMATION AND THAT YOU HAVE HAD THE OPPORTUNITY TO ASK QUESTIONS ABOUT THE STUDY, YOUR PARTICIPATION, AND YOUR RIGHTS AND THAT YOU AGREE TO PARTICIPATE IN THE STUDY. IF YOU HAVE ANY ADDITIONAL QUESTIONS PLEASE FEEL FREE TO CONTACT ME AT: 203-262-9867 OR SCHONG2@EMAIL.SMITH.EDU OR THE HUMAN SUBJECTS REVIEW COMMITTEE AT: 413-585-7974.

If you are interested in participating in this study, please agree to this consent form and complete the survey by April 1, 2009. Please print and keep a copy of this consent form for your records.

Thank you for your time, and I greatly look forward to having you as a participant in my study.

Sincerely,

Sonnie Chong

Appendix F: Excerpt from “Reaching Beyond Race”

Reprinted by permission of the author.

Common sense suggests that people do not always say what they really think about issues of race. Sometimes they choose to say nothing. Sometimes to say, not what they think, but what they think they are SUPPOSED to say. But how, then, can we tell what they really do think?

By means of a technique called the List Experiment (LE) we have found a way to tell how Americans feel about affirmative action without their knowing that we can tell how they feel. In the baseline condition, which contains one half of a random sample of interviewees, the interviewer begins by saying, “I am going to read you a list of three things that sometimes make people angry or upset. After I read all three, just tell HOW MANY of them upset you. I don’t want to know which ones, just HOW MANY”

Then, the interviewer reads a list of three items: “The Federal Government increasing tax on gasoline; Professional athletes getting million-dollar-plus salaries; Large corporations polluting the environment.”

In the test condition, the interviewer begins again by saying that she is going to read a list of some things that sometimes make people angry or upset. Again, she instructs the respondent that all she wants to know is HOW MANY of them upset him. Again she warns him, “I don’t want to know which ones, just HOW MANY.” But this time she reads a list of four items. The first three are exactly the same. The last item is: “Black leaders asking the Government for affirmative action.”

Suppose our hypothetical respondent in the test condition is offended by the princely sums that professional athletes now earn and also is upset by AA. Asked how many items on the list make him angry, he answers, “two.” In answering “two” he knows that there is NO way for the interviewer to tell that one of the two things that make him angry is AA.

And he is absolutely right. But the analyst can calculate in a microsecond the proportion of people in the sample as a whole who are angry over AA. Suppose one point is given for every item that makes people angry. Suppose also that the average number of items that makes people angry in the baseline condition is 1.0; and that the average number of items that make people angry in the AA condition is 1.5. Since three of the items are exactly the same in the two experiment conditions, and since the two sub-samples being interviewed are identical except for chance, we can assume that had the item on affirmative action not been included, the mean in the second condition would also have been 1.0. It follows that, to generate an increment of 0.5, one half of the respondents in the test condition must have gotten angry over affirmative action. Thus, even when it is not possible to tell which individuals are upset, it is possible to tell how many upset individuals there are.

Through the List Experiment then, we can tell how people feel about AA, without their knowing we can tell how they feel. And this allows us to establish how liberals really feel about AA. As we have seen, when they are asked directly, liberals are markedly less likely than conservatives to SAY they are angry over it. But this appearance of an ideological cleavage over the new race-conscious agenda is, we suspect, largely an illusion, a result of liberals saying what they think they should say, not what they really think.