

Affirmative Action Lesson Plan

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Overview:

This lesson provides a focused look at affirmative action through a close examination of the 1978 Supreme Court case, *Regents of the University of California v. Bakke* and the 1996 California ballot initiative Proposition 209. Students will examine the goal of diversity as a "compelling state interest" and the claim of past discrimination to evaluate affirmative action strategies as a tool in the continued struggle for civil rights. This lesson accompanies an excerpt from Chapter 4, "The Fight for Racial Equality," in *Wherever There's a Fight*. The text profiles the Bakke case and Proposition 209 to examine how shifting interpretations of the 14th Amendment's Equal Protection Clause impacts affirmative action strategies. This lesson could be paired with "The Fight for Racial Equality in Education" or the "Ballot Propositions and Civil Rights" lessons on the *Wherever There's a Fight* [website](#).

This lesson meets the state of California History-Social Science Content Standards for:

- 11th Grade U.S. History and Geography: 11.10 and 11.11 (Students analyze key court cases and developments in the evolution of civil rights including the Bakke case and California's Proposition 209 along with discussion of racial equality as an ongoing social issue).
- 12th Grade Principles of American Democracy and Economics: 12.5 (Students examine the changing interpretations of the Bill of Rights with an emphasis on the 14th Amendment's Equal Protection Clause and social controversies over these changing interpretations).

Learning Objectives: Students will understand:

- concepts underlying affirmative action as a civil rights strategy (a remedy to past discrimination, diversity as representative of equal opportunity)
- different aspects of affirmative action strategies (quotas, race and class as factors in larger systemic policies aimed at achieving diversity and equality of opportunity)
- how a federal court decision has more far reaching consequences than a state court decision
- shifting interpretations of the Equal Protection Clause of the 14th Amendment
- the social context surrounding affirmative action controversies

Duration: 3-5 Class Periods; (*Classwork given here could be given for homework, group work given here could be done individually etc.)

Resources: Text, [Handout #1](#), [Handout #2](#), [Handout #3](#)

Activities:

Warm Up:

- Activities/Discussion using the quotes from [Handout #1](#). Pass out [Handout #1](#) to students:

Ask a student to read Quote #1 (below) from [Handout #1](#). Go over it again slowly to make sure students understand the definition. Solicit students to collectively fill in a "What I know" "What I think I know" and "What I want to know" chart for Affirmative Action (Each heading is over a separate column) on the board. Students should preface their comments to identify under which column heading they belong. Discuss each column, changing comments from one column to another as necessary.

QUOTE #1:

Affirmative Action is the policy of consciously setting racial, ethnic, religious, or other kinds of diversity as a goal within an organization. In order to meet this goal, an organization may purposely select people from certain groups that are underrepresented, or have historically been oppressed or denied equal opportunities. In that application of affirmative action, individuals of one or more of these minority backgrounds are preferred over those who do not have such characteristics; such a preferential scheme is sometimes effected through quotas, though this need not necessarily be so. (from Wikipedia)

After completing the WWW chart and accompanying discussion of Quote #1, read Quote #2 (below) from [Handout #1](#). What is President Johnson saying about why anti-discrimination laws are not sufficient to ensure racial equality? Is affirmative action an appropriate strategy to "achieve equality as a fact and as a result"? Why or why not?

QUOTE #2:

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...We seek not just freedom but opportunity...not just equality as a right and a theory, but equality as a fact and as a result.

---President Lyndon Johnson, from a speech at Howard University (cited in *Wherever There's a Fight*)

Quote #3 is from Barack Obama's memoir, *Dreams From My Father*. Ask a student to read it aloud. What kind of "affirmative action" did Obama say that he benefited from? What do you think his point is in telling this story? What would he like people to think about?

QUOTE #3:

...Started by missionaries in 1841, Punahou Academy had grown into a prestigious prep school, an incubator for island elites...It hadn't been easy to get me in, my grandparents told her (my mother); there was a long waiting list, and I was considered only because of the intervention of Gramps' boss, who was an alumnus (my first experience with affirmative action, it seems, had little to do with race).

---Barack Obama, *Dreams From My Father*

Main Activity

There are two text excerpts:

- University of California v. Bakke: 1978 (pp. 157-160)
- Proposition 209: 1996 (pp. 160-163)

Reading/Writing

Pass out [Handout #2](#) to all students. (*Students can work in groups OR all students can read both sections.)

Read your section of the text quietly to your self or aloud together with your group. Answer the corresponding questions from [Handout #2](#). If you are reading silently record your responses in your notebook. When your group is all finished share your responses with one another—filling out your own notes if your group members included important details that you left out. If you are reading aloud together, each of you should write down your group's responses to the following questions (the group members' responses could vary depending on the question—they don't have to all be identical!):

Summarizing/Presenting

When students have completed [Handout #2](#), ask each group to fill out the Summary Activity ([Handout #3](#)) collectively and choose 2 representatives from their group who will present this information to the class. During each presentation solicit questions/comments from the class. After each presentation have students write a "take home" message for each group (what they will remember about the Bakke case/Proposition 209 two weeks from now). When the presentations are done solicit a number of take home messages from each group presentation to be read aloud.

Whole group debrief

- Is a diverse student population a legitimate goal for schools and universities? Government contracts? Why or why not? Why does the Supreme Court say that diversity is a "compelling state interest"?

- What other criteria, aside from race, could you consider to support a goal for a "diverse" student body?
- What claim is made for under-represented groups that underlies the need for "affirmative action"? (Why is it necessary?)
- Do you think that affirmative action is a good strategy for achieving diversity? Why or why not?
- Are ballot propositions an appropriate means to decide controversial issues like affirmative action? Why or why not?
- What tension do we see between the role of the court and the "will of the majority" with respect to Proposition 209?

Assessment Ideas

Quiz, collect notes, create an "affirmative action" plan—what is your goal? How will you achieve it? Be sure to justify why your plan would pass muster according to the Bakke decision (affirmed in Grutter v. Bollinger in 2003 which upheld the affirmative action admissions policies of the University of Michigan Law School).