

LESSON NUMBER: 2

TASK: Military Affirmative Actions

CONDITION: Classroom environment

STANDARD:

1. Discuss the origin and development of Military Affirmative Actions.
2. Discuss disparate treatment/effect and reverse discrimination.
3. Discuss the difference between goals and quotas.

TYPE OF INSTRUCTION: Conference

TIME OF INSTRUCTION: 1 hour

MEDIA: Viewgraph #2-1 through Viewgraph #2-2 and Practical Exercise #2-1

NOTE: Conduct PE #2-1 prior to providing instruction in order to relate the instruction to the PE to demonstrate the effects of Military Affirmative Actions for better understanding.

LEAD IN: There are some things about affirmative actions that people know and that people are absolutely sure of. These people base their daily lives on these things. They will write letters to the editor about them. Things they use in policy letters. Things they are absolutely, 100% sure of, that are false! "It's not what you know that gets you in trouble", said Will Rogers, "It's what you know, that ain't so, that gets you in trouble." This is one of those areas that many people out there know, that ain't so.

We need to try to resolve some of the issues involved with Military Affirmative Actions. Remember, we are talking about Military Affirmative Actions. We will not be addressing the civilian community, even though all of the things that we do today will pretty much apply to the civilian community also.

1. **Define Military Affirmative actions.** Affirmative Actions are methods used to achieve the objectives of the EO program. Affirmative Actions are processes, activities, and systems designed to identify, eliminate, prevent, and work to overcome the effects of discriminatory treatment as it affects the upward mobility and quality of life for DoD personnel.

NOTE: Ask the students the following questions. Is bussing a process, activity, or system? It certainly is. Is remedial education? Definitely. Are they expensive? Do they take time to accomplish? Do they take extensive effort to do? Of course they do.

2. One of the things that must be understood about Affirmative Actions is that they are not cheap. In this era of budget constraints there is tremendous pressure not to do things. It is cheaper to drop programs. It is not enough to say we have now given

everyone equal opportunity, because we have removed the barriers. These things are just not enough. Affirmative Actions are necessary!

3. Next, people want to say, “Just work harder and you can get ahead.” When I worked hard to overcome the effects of discrimination in the earlier race, what happened to the participant in front? There was resentment, anger, frustration, because we worked to overcome the unfair advantage.

4. It isn't enough to just take away the barriers. We all have to work to overcome the effects of discriminatory treatment. We aren't talking about people who don't have the ability. We aren't talking about unqualified people. That is another misunderstanding that people have. We are talking about people that have been discriminated against.

5. **Define Affirmative Action Plan.** An Affirmative Action Plan (AAP) is a management document used as a tool to overcome the effects of discrimination. It contains positive steps oriented towards results that we can observe and measure.

6. An AAP is just paper. You can take the plan and wave it at discrimination all day and the only thing you are going to do is move air around. Within the Army, each Brigade or higher command has its own AAP. You must have an outcome in mind when you start making the plan. The outcome I was looking for in the foot race was to give two people an equal chance to get that candy.

NOTE: Ask the students the following questions in reference to the foot race. By definition there is going to be a winner and there is going to be a loser in a race. What should determine who is going to be the winner and loser? We use a phrase for that in AAPs, merit, fitness, capability, and potential. If we look at these four things can we do all of the discriminating that we want to do? If we have one stripe, and we have two individuals that want to be promoted, what criteria do we use to choose who is going to get that stripe? Merit, fitness, capability, and potential. Don't we do this all of the time? No. Can we discriminate based on race, color, religion, gender, or national origin? Yes. And if it is a civilian employee can we discriminate based on age and handicap also? Yes.

PART I. THE ORIGIN AND DEVELOPMENT OF MILITARY AFFIRMATIVE

ACTIONS

SHOW VIEWGRAPH #2-1

THE ORIGIN AND DEVELOPMENT OF MILITARY AFFIRMATIVE ACTIONS
<ul style="list-style-type: none">• Executive Order 10925 (1961)• Civil Rights Act (1964)• Executive Order 11246 (1965)• DoD Human Goals Program (1969)• DoD Directive 1100.15 (1976)• DoD Directive 1350.2 (1987)

1. Significant actions leading to the development of Military Affirmative Actions.

a. **Executive Order 10925 (1961).** John F. Kennedy (JFK) was the first person to use the term Affirmative Action in 1961. JFK said in Executive Order 10925, “contractors will take affirmative actions when they are dealing with the government.” The problem was he didn’t define it. This order was the first to issue penalties for non-compliance. JFK put together a watchdog committee to monitor compliance. It was called the President’s committee on equal employment.

b. **Civil Rights Act (1964).** This is probably the single most important piece of Civil Rights legislation of this century. The Civil Rights Act of 1964 has been used as the basis for more Supreme Court decisions than any other piece of legislation that has been passed with regard to equal opportunity and employment discrimination. In employment discrimination the act applied not only to the government, but to private companies as well. This act is probably the biggest source of friction when it comes to Affirmative Actions and equal rights in employment. Because now, for the first time, the government is starting to regulate whom private companies may or may not employ.

NOTE: Ask the students the following question. Can you see where that might stir up some feelings? If Joe’s Bar and Grill has 25 employees or more, then Joe is subject to some regulations on who they may or may not hire. Affirmative Actions are required when there are 25 employees or more. So, things became fairly sticky with the enactment of this Act.

c. **Executive Order 11246 (1965).** This order didn’t talk much about Affirmative Actions, but the focus was on contractors, and people who primarily did business with the government. The focus on contractors was not just about treating people equally, but focused for the first time, on past discrimination.

NOTE: Think back to the foot race at the beginning of the class. When we had discrimination was it fairly obvious? Yes. Then I leveled the playing field by removing the barriers. That was fairly easy to see also, right? At that point in time, when one

individual was back of the other, what were some of the things that I could have done to make that race equal? Put another dollar bill the same distance from the person in the rear as from the person in the front? What is the problem with this solution? There isn't another dollar bill to put there. Put the dollar bill between the two and give them an equal stab at it? Would the person in front think this is fair? No. So, when we change the rules in the middle of the game, the person in the front says they are not getting fair treatment. What else could we have done? Start Over? What if we started over? That still means the person in the front loses the advantage completely. What else could I have done in the race? Freeze the front person in place until the other catches up? Then the front person stagnates. What if you have a critical skill and you need to hone and maintain that skill? Suppose you have a computer skill and you need to operate radar to shoot down enemy planes and it takes two people to operate it. The front-runner in the foot race has the skills and the other doesn't. Can we let the front-runner sit around without touching the radar while we train the other individual to get him or her up to the level of skill required to operate the radar? Will this solve the issue? No. What could we have done? The problem is we can't do anything without someone being upset. How many of you are aware of the definition the word dilemma? A dilemma is a situation when there is no win/win answer. If I tell you that there is no win/win answer, what does that mean? That means someone has to lose. If I tell you that someone is going to lose, then how acceptable is that solution going to be? It isn't going to be acceptable to many different people.

d. **DoD Human Goals Program (1969).** We attempted to resolve some of those difficulties with the DoD Human Goals Program. The Human Goals Charter is signed by the secretary and the Chief of Staff for each respective service. This is one of the attempts to resolve the dilemma by articulating policy, and educating people about what is going on. For example, you may not like going to the hospital and getting shots, but you do understand the processes of getting diseases. You also understand that there are some things out there that can kill you. Which is better, get immunized or die? At least you understand what is going on and the DoD Human Goals Program is part of the education that will help everyone understand Affirmative Actions.

e. **DoD Directive 1100.15 (1976).** DoD Directive 1100.15, written in 1976, required each service secretary to use Affirmative Actions for equal treatment of males and females. It also required reports on the progress of equal opportunity. The way this information is reported is through a document called an AAP.

f. **DoD Directive 1350.2 (1987).** DoD Directive 1350.2 in 1987 was more specific on the who's, what's, when's, and where's of how we were going to do this AAP. When DoD directive 1350.2 was issued it repeated many of the things that were in DoD directive 1100.15. It did add a couple of items as far as Affirmative Actions go. It goes more deeply into areas like definitions and communication of processes to ensure people can understand what is going on. The first thing it did was to tell folks by position what their responsibilities are at the various DoD levels.

PART II. KEY TERMS ASSOCIATED WITH MILITARY AFFIRMATIVE ACTIONS.

SHOW VIEWGRAPH #2-2

KEY TERMS ASSOCIATED WITH MILITARY AFFIRMATIVE ACTIONS.
<ul style="list-style-type: none">• Disparate treatment• Disparate effect• Reverse discrimination• Goal• Quota

1. Key terms associated with military affirmative actions.

a. **Disparate treatment.** Disparate means differential. Treatment is a how you treat people. So, Disparate Treatment means treating people differently. Treating people differently is part of what definition that we went over previously? Discrimination. Was there disparate treatment in the foot race? Yes. Any time you are looking at people and you see disparate treatment then you are looking at discrimination. Is combat exclusion, law or policy, disparate treatment? Yes. So disparate treatment is something that can be done by individuals or institutions.

b. **Disparate effect.** Disparate effect is when everyone is treated the same, but because of previous disparate treatment, the playing field is still not equal. Disparate effect equals the effects of past discrimination

NOTE: Think back to the race again. When we did away with the requirement for sticking a foot under the chair, were we then treating both individuals equally? Absolutely. Was there a disparate effect on the outcome of the race? Yes. Even though we gave them both equal opportunity one individual was still behind.

c. **Reverse discrimination.** You need to understand that this term has no legal basis, no judicial basis or any kind of formal basis. It is just popular and frequently used. Reverse discrimination equals Discrimination. You need to understand that discrimination is discrimination. There is no basis for the term “reverse discrimination.” It is normally used to describe discrimination that is adverse to what race? To the majority or white race. We hear this term “reverse discrimination” kicked around and it is one of the first things that jump up in a discussion about Affirmative Actions. If you take “reverse discrimination” into a courtroom, guess what is going to happen? You will be thrown out of the door. There is no such thing as “reverse discrimination.” We must educate people to let them know that discrimination is discrimination is discrimination.

d. **Goal.** There are two other terms that are very critical to your understanding of Affirmative Actions. Those two terms are goals and quotas.

NOTE: Ask the students, what is a goal. A goal is an objective or a final outcome. It is something you strive for. A goal is a realistic attainable planning target. For example,

people may have a goal to get something out of life such as getting promoted or wealth. If you don't reach your goal you continue to work to achieve it.

e. **Quota.**

NOTE: Ask the students, what is a quota. A quota tells you how many of something you are required to have or achieve. Ask the students how do we go about telling someone how many they have to have. Ask the students what does it take for someone to come in and say, "You have to hire four blacks." Many folks believe Affirmative Actions tells them they have to hire four blacks. This is not true. It takes the force of law such as a lawsuit. Quotas are imposed while goals are voluntary. Quotas are normally imposed as the result of failure to abide by particular rules and guidelines. In other words, you have done something wrong, so I have to get the law to force you to do something right.

Here is an example: You are a white person and walk into a company to get a job. The company has a position that is open. The company gives the job to a person that is not as qualified as you, but who is black. Are you happy? No. The person who didn't hire you, the personnel director, is going to sit down and tell you one or two things. The director may "I'm sorry that you didn't get the job but, I have this Affirmative Action law here and I was told I have to hire so many blacks. I really wanted to give you the job, but I have to hire blacks right now. I'm sorry but you don't get the job." Or the personnel could tell me "We would like to hire you, but this company has been found guilty of discriminating in the past. As a result, we have a quota that has been imposed on us by the courts that say I have to hire a certain number of blacks." Ask the students which reason is the personnel director going to give me. The first reason, because it sounds better for the company. Then, when you walk out of the office you will be thinking, "damn those Affirmative Actions and those quotas. Affirmative Actions mean you have to hire so many minorities." Ask the students if they are going to believe that. Yes.

Here is an example of how affirmative actions are supposed to work. Let's say I have a company of 30 employees. The community is 10% minority in population. So, to do things correctly, how many minorities should I have working for me? Three. Now, let's say I have a job open and I currently have only two minorities working for me. All of the applicants for the job have basically the same merit, potential, and capability. If possible, I should hire a minority. Remember, I said the applicants all had the same merit, potential, and capability. If there is an individual who is above and beyond the rest of the applicants, then I hire that person. This is regardless of race, creed, national origin, etc.. Affirmative Actions do not mean you have to hire unqualified people. The first thing you have to overcome is this thing called goals and quotas. There are many people out there that think affirmative actions means quotas, or affirmative actions means you have to promote so many minorities.

Here is another example for Department of the Army promotion boards. Let's say you have 100 Staff Sergeants up for promotion to Sergeant First Class. 10% of those

are Black and are qualified. Ask the students how many Blacks should be promoted?
10. Ask the students how many SFCs, CPTs, etc. in the room feel they are not qualified to where the rank you have obtained? By the students answering to the affirmative indicates the program works.

2. DoD directive 1350.2 says that goals are not quotas and quotas have nothing to do with Affirmative Actions. DoD does not authorize the use of quotas. We have our goals that we are shooting for. If we hit the goals it is great. If we don't hit the goals then we have some difficulty.

3. Disparate treatment is easy, that is discrimination. Disparate effect is a little harder, but that is just trying to even out the playing field that was made uneven by disparate treatment. It is hard to do with a win/win situation outcome.

4. Most people, organizations, or whatever that have a penalty imposed on them, is due to something they failed to do. Are they going to admit it was their own fault? No, they will go through the defense mechanisms, rationalization, denial, etc.. But, the most common response is to blame it on someone else.

5. DoD directive 1350.2 contains 10 categories that must be reported for Affirmative Actions. The major commands take this information, assess areas under the ten categories, determine if there are problems, and plan long-range goals. They try to predict areas that need attention early before problems arrive. They then pass the data to the subordinate commands in the form of an AAP.

CLOSING: Affirmative actions are an integral part of the Army's EO program in ensuring fair treatment of all soldiers based on merit, fitness, capable and potential. Affirmative actions do not mean we must promote unqualified soldiers. For many, perhaps most, who will protest about affirmative actions, reverse discrimination and quotas, there is probably only one response that you can offer. This is called the "Last Resort Response". The dialogue usually runs like this:

WHITE MALE: "I admit that perhaps my being white has been an advantage. I'll admit that perhaps you minorities and females have been discriminated against for years, but I had nothing to do with that; that all happened way before my time. None of that was my fault. I have only one lifetime to live and I don't think that I should suffer because of the sins and alleged sins or injuries perpetuated by my ancestors. Why should I?"

MINORITY / FEMALE RESPONSE: "Why should I?"

Summarize lesson objectives.

PRACTICAL EXERCISE #2-1 AFFIRMATIVE ACTIONS EXERCISE

Objective:

To demonstrate the dilemma of affirmative actions.

Procedure:

1. Place an item such as piece of candy in the back of the room.
2. Make a row of chairs or desks a few feet apart leading from the front of the room to the candy at the back of the room.
3. Choose two students from the audience and have them go to the front of the room.
4. Read the following rules to the participants: "I am making a sacrifice today, because I am taking this piece of candy, and putting it in the back of the room for one of these individuals to take and keep. I am going to have a race and the first person to get to that piece of candy is going to be able to keep it. However, there are rules and guidelines. The first rule and guideline is that there is no running. The people in the aisle cannot stick a foot or anything else in the aisle. You must start with some part of your foot touching the wall in front of the room. When I say GO you must walk heel to toe and the first person to reach the candy gets to keep it."
5. Conduct a practice race.

(stop them before they reach the candy and have the individuals come back to the front of the room)

6. Ask if there are any questions.

(choose one individual and stipulate extra rules)

7. Tell one of the participants that every time they pass a chair he or she must stick their foot under the chair, do a 360 degree turn, then go to the next row, stick their foot under the next chair, do a 360 degree turn, and so forth until he or she reaches the back of the room to the candy. Give this participant a brief chance to practice.
8. Have the participants line up again (ensure one foot is touching the wall).
9. Start the race and stop the individuals half way and tell them to freeze in place.
10. Solicit responses from the students on the problem with the race. Ask the participant who has to stick his or her foot under the chairs what kind of advantage did you give him or her. Tell this participant that you put a disadvantage on him or her, because he or she must do something that the other person does not have to do. Explain to the class that you have arbitrarily discriminated against someone based on race, creed, color, national origin, handicap, age, or gender. Explain to the students that you have passed some rules in this society that say one individual has to do certain things that another individual does not.

11. Eliminate the barrier and do not require the individual to place his or her foot under the chair. However, they start the race from their present spot. Start the race again, but stop them after a few seconds.

12. Explain to the students that you have leveled the playing field and removed the discrimination. Ask the students what is wrong with the present situation. (one individual is so far behind that no matter what she or he does he or she will never catch up.)

13. Take the individual who's behind and place him or her even with the individual in the lead. Ask the students what type of action have you taken. Explain to the students that you have taken affirmative action by bringing the participant losing even with the leader. Solicit responses from the students on your actions. Some usual responses include:

a. The person brought forward doesn't have the experience of the individual in front.

b. The person who was in front is full of resentment.

14. Tell the individual who was behind "You don't possess the requisite qualifications, so I'm going to disqualify you."

15. Begin the lesson plan on Military Affirmative Actions.



THE ORIGIN AND DEVELOPMENT OF MILITARY AFFIRMATIVE ACTIONS

- **EXECUTIVE ORDER 10925 (1961)**
- **CIVIL RIGHTS ACT (1964)**
- **EXECUTIVE ORDER 11246 (1965)**
- **DoD HUMAN GOALS PROGRAM (1969)**
- **DoD DIRECTIVE 1100.15 (1976)**
- **DoD DIRECTIVE 1350.2 (1987)**



KEY TERMS ASSOCIATED WITH MILITARY AFFIRMATIVE ACTIONS

- **DISPARATE TREATMENT**
- **DISPARATE EFFECT**
- **REVERSE DISCRIMINATION**
- **GOAL**
- **QUOTA**