

The American Legal System Discrimination and Affirmative Action

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Affirmative action consisting of policies that designed to favour a group that was previously at advantage in order to balance the scales. Legal discrimination, on the other hand, is simply the discrimination of a group or groups in the legal arena. In America, the government regulatory process origins and objectives are intertwined various events and cases that have affected it to its present-day state.

Legal system discrimination in America has historically been based on race, more specifically against the black race. The Civil rights Act of 1866; that was established after the civil war aimed to extend a broad range of civil rights to all Americans. However, the emergence of the infamous Black Codes quashed that dream (Feagin & Joe, 2014). The 15th amendment later allowed the black people to vote. In the south, especially during the post-reconstruction era racial discrimination was systematically enforced mainly through informal means. Legally, the laws having the “grandfather clauses” further discriminated the blacks with state legislation having unequal support for the black and white schools.

Nonetheless, the primary era that had the greatest impact on the government policies on the legal discrimination was the period famously referred to as the Civil rights era. In a landmark and famed case of *Brown v Board of Education* state directed discrimination was declared unconstitutional. Martin Luther’s march in Washington coupled with the bombing of Baptist Church in Birmingham in 1963 was greatest contributing factors to changing the policy. The 1964 legislation included; Civil Rights Act and also the Voting Rights Acts ensured the end of legally enforced discrimination (Omi & Michael, 1994).

Affirmative action first appeared in 1961 by the then President Kennedy as a means of dealing with discrimination that somehow persisted despite the constitutional amendment and laws (Rubio & Philip, 2009). Nonetheless, President Johnson developed and enforced it. It is paramount to realize that affirmative action was intended to apply a temporal solution and end once all the races were on a level field. The Bakke case of 1978 observed a situation where the affirmative action resulted in discrimination against the majority race leading to repeal of inflexible and strict quota in affirmative action (Skrentny & John, 2014). However, the Supreme Court in has upheld affirmative action, specifically in the higher education. The principal cases supporting this are Gratz v Bollinger, a case regarding the undergraduate program of University of Michigan and Gutter v Bollinger of the Law school (Schneider, Beth, & Denise, 2014).

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