Schuette v. Coalition to Defend Affirmative Action

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Introduction

Our project will answer the following questions about affirmative action:
• What is affirmative action?
• What was the legal question in the Michigan case?
• What was the position of the majority in the Court?
• What was Justice Sotomayor’s position in her dissenting opinion?
• What are the anticipated consequences of the Court’s decision?

What Is Affirmative Action?

• Affirmative action is the active effort to provide equal opportunities in the educational and professional fields for qualified individuals who would otherwise suffer discrimination.
• It promotes diversity, helps remedy past discrimination, and fights present discrimination.
• In the school systems it generates an access that is more open and fair to all qualified individuals.
• The Department of Labor mandates federal contractors must take affirmative action to employ and promote qualified women, people with disabilities, covered veterans, and individuals from historically underrepresented groups.
• Its first mention was in March 6, 1961 by President John F. Kennedy: “The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin.”

What Was the Legal Question in the Michigan Case?

• Does an amendment to a state’s constitution, which prohibits race- and sex-based discrimination and preferential treatment in public university admissions decisions, violate the Equal Protection Clause of the Fourteenth Amendment?
• Petitioner Bill Schuette, the Attorney General of Michigan, argues that because Section 26 of the Michigan Constitution lacks discriminatory intent it is not a racial classification, and thus the Equal Protection Clause and political-restructuring doctrine do not apply. However, respondents Coalition to Defend Affirmative Action contend that Section 26 contains racial classifications because it targets racially-conscious admissions plans in public schools.

What Was the Position of the Majority in the Court?

• The Court, in a 6-2 ruling, declared Michigan voters had the right to change their state constitution in 2006 to prohibit public colleges and universities from taking account of race in admissions decisions. Upheld a Michigan constitutional amendment that bans affirmative action in admissions to the state’s public universities.
• The majority of Justices said that policies affecting minorities that do not involve intentional discrimination should be decided at the ballot box rather than in the courtroom.

What Are the Anticipated Consequences of the Court’s Decision?

• Like states that forbid affirmative action in higher education, Michigan will see a significant drop in the enrollment of black and Hispanic students in its most selective colleges and universities.
• It may also encourage more states to enact measures banning the use of race in admissions or to consider race-neutral alternatives to ensure diversity.

What Was Justice Sotomayor’s Position in Her Dissenting Opinion?

• Justice Sonia Sotomayor argues the court’s decision violated a group’s rights by allowing the state’s voters to change “the basic rules of the political process … in a manner that uniquely disadvantaged racial minorities.”
• Sotomayor states that the ruling would make it much harder for racial minorities to defend affirmative action programs.
• Furthermore Sotomayor says, “This refusal to accept the stark reality that race matters is regrettable. As members of the judiciary tasked with intervening to carry out the guarantee of equal protection, we ought not sit back and wish away, rather than confront, the racial inequality that exists in our society.”

References


College Admissions Drop Rates From States That Have Banned Affirmative Action

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