

The Supreme Court Reconsiders Affirmative Action

**EWA Webinar – March 22
Scott Jaschik, Inside Higher Ed
Mark Walsh, Education Week**

- LBJ speech at Howard University -- 1965
- Bakke – 1978
- Hopwood – 1996 (Fifth Circuit)
- U. of Michigan decisions -- 2003

Four Key Dates and Events

- How it works
- Why it works in Texas and some states, but not elsewhere
- Who likes it and who doesn't (aside from legal issues)

The 10 Percent Plan

- The legal argument in the suit
- Why Texas won in lower courts (narrowly)
- The appeals court dissent
- Clues on how the Supreme Court might rule
- Narrow ruling vs. broad ruling

Fisher v. U. of Texas

- How vulnerable are colleges you cover to a similar suit (even if they don't have a percent plan)?
- Are there 'race neutral' alternatives that would work for colleges you cover?
- Are colleges you cover (or lobbies that represent them) backing one side or another? Ditto on states?
- The relative impact of this case and state budget cuts on access to higher ed for minority students.
- How much diversity of view is there at colleges you cover about these issues?

Policy Story Ideas for Now (before a Decision)

- Impact of the debate on under-represented minority groups
- How the debate looks to Asian-American students

Student-Oriented Story Ideas for Now (before a Decision)

- Do colleges flip-flop?
- If affirmative action efforts are upheld, what new rules/timetables are created, and are colleges in a good position to follow them?
- If the efforts are rejected, can colleges you cover credibly argue that their programs are different from those in Texas?
- The Sandra Day O'Connor timetable

**Story Ideas for After a Decision
(Beyond the Day 1 Outcome)**

- **Mandatory vs. voluntary attendance**
- **“School assignment” vs. admissions processes**
(magnet schools with competitive admissions may be more similar to higher ed)
- **Enrollment patterns, race/ethnicity and class**
- **Politics**

Key Differences/Similarities Between K-12 and Higher Ed