The Supreme Court Reconsiders Affirmative Action

EWA Webinar – March 22
Scott Jaschik, Inside Higher Ed
Mark Walsh, Education Week
Four Key Dates and Events

- LBJ speech at Howard University -- 1965
- Bakke – 1978
- Hopwood – 1996 (Fifth Circuit)
- U. of Michigan decisions -- 2003
The 10 Percent Plan

- 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)
Fisher v. U. of Texas

- 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
• 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
• 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