



The Michigan Affirmative Action Cases (Landmark Law Cases & American Society)

Barbara A. Perry

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In its controversial Bakke decision of 1978, the Supreme Court upheld racial and ethnic diversity in university admissions but it was not to be the last word on the matter. When Jennifer Gratz and Barbara Grutter challenged the University of Michigan's admission policies because they were passed over in favor of ostensibly less-qualified minority applicants, the Court was once again compelled to address affirmative action.

Barbara Perry takes readers behind the scenes to tell the riveting story of how the two rejected applicants allied with conservative interest groups in an attempt to overturn affirmative action programs in higher education-and how in a 5-4 decision Justice Sandra Day O'Connor provided the decisive vote reaffirming Bakke. While the plaintiffs argued that their rights to equal protection under the Fourteenth Amendment and Title VI of the Civil Rights Act had been violated, the Court in 2003 disagreed and upheld the constitutionality of affirmative action, citing the goal of diversity as a legitimate state interest but also making it clear that there were limits to that interest and the policies to implement it.

Drawing on interviews with key figures in the litigation, Perry follows the twists and turns of the district and appellate cases, then reveals the inside story of how Justice O'Connor joined her liberal colleagues to uphold the use of race in university admissions and thereby establish an important new precedent. Perry provides a play-by-play account of the dramatic oral arguments before the Court, explains how the Court's decisions emerged, and reveals how Justice O'Connor's personal, professional, and judicial background brought her to that pivotal moment in legal history.

As Perry shows, the Supreme Court's decisions frustrated both conservatives and civil rights advocates, who continue to battle each other when anti-affirmative action initiatives appear on state ballots. Her compelling study helps us understand why affirmative action remains one of our most hotly contested issues.

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