



Modern Discrimination Race & Inequality A Talk with John A. Powell

I. The Growing Inequality in America

- A. Continuing inequality in gender, wealth, race, and social status.
- B. Widened wealth gap along racial and ethnic lines under President Obama.
 - 1. Since President Obama took office, the gap between the median wealth of white households and black households has grown considerably.
 - 2. In 2007, the median wealth of white households was 10 times the median wealth of black households.
 - 3. That divide has widened in the proceeding years of economic recovery as the median wealth of white households have grown by 2.4% while the median wealth of black households continued to drop dramatically.

II. Civil Rights in Education

- A. Education in America is still unequal and, in many parts of the country, still segregated.
 - 1. The disparity in the quality of education can be attributed to unequal funding.
 - 2. Public education is funded by local property taxes.
 - 3. Large variations between the quality of education in school districts is because of the difference in the socio-economic status of neighborhoods.
- B. *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973)
 - 1. The Supreme Court found that financing schools with local property taxes does not violate the Fourteenth Amendment.
 - 2. The Court opined that education is not a fundamental right found in the Constitution that could thus be applied to the States through the Fourteenth Amendment. The system of funding schools via property taxes is not subject to strict scrutiny.
- C. *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007)
 - 1. In a split decision, the Supreme Court found that use of individualized racial classification systems was not sufficiently “narrowly tailored” to be constitutional.
 - a. A narrowly tailored system requires that the means are closely tied to the ends.
 - b. Race conscious objectives are not per se unconstitutional, but race cannot be the sole determining factor in school assignment.
 - 2. Here, the Seattle Schools District employed a system in which students can apply to any high school in the district. As a tiebreaker method when students oversubscribed to a particular school, race of the students was considered to maintain racial diversity.

III. Affirmative Action

- A. General Overview



1. The purpose of affirmative action is to redress disadvantages associated with historical discrimination. Underlying affirmative action are concepts of fairness and providing equal footing.
 2. The Supreme Court has allowed affirmative action systems in limited circumstances.
 3. Generally, fixed quotas are unconstitutional. However, consideration of characteristics such as race as a form of selection criteria has been upheld as constitutional.
- B. *Grutter v. Bollinger*, 539 U.S. 306 (2003)
1. The Court upheld the constitutionality of an affirmative action admissions policy.
 - a. The University of Michigan Law School admissions policy was a permissible race conscious process taking into account many other factors evaluated on an individual basis, as opposed to purely a quota system, and it had a legitimate interest in promoting diversity.
- C. *Gratz v. Bollinger*, 539 U.S. 244 (2003)
1. The Court struck down the University of Michigan undergraduate admissions policy as unconstitutional, because it awarded points to racial minorities and failed to make individual determinations, effectively creating a quota system.
 2. Here, the University of Michigan used a point system to rank applicants to determine admissions. It automatically awarded students from racial minority groups 20 points.
- D. *Fisher v. University of Texas*, 570 U.S. ____ (2013)
1. Following precedent, race conscious admissions policies must hold up to a strict scrutiny analysis.
 - a. The Court remanded the case. The admissions policy was upheld on remand.
 2. The University of Texas at Austin admitted the top 10% of students. The university then evaluated those not falling in the top 10% by examining a number of factors, including race.
- E. *Schuette v. Coalition to Defend Affirmative Action*, 572 U.S. ____ (2014)
1. The Court found constitutional a state constitutional ban on affirmative action for state university admissions policies.
 2. In 2006, Michigan voters approved Proposal 2, amending the state constitution to ban affirmative action in public employment and education.

IV. Stop and Frisk

- A. The Stop and Frisk program, specifically in New York City, raises many concerns about racial profiling.
- B. According to NYPD data, in 2013, New Yorkers were stopped 191,558 times.
 1. Of these stoppages, 56% of individuals stopped were black, 29% Latino, and 11% white.

V. Conclusion

- A. While racism is still prevalent in society, the U.S. is becoming increasingly racially, ethnically, and religiously diverse as the country works towards equality.
- B. To enact positive social change, the collaboration of individuals and the government will be required.

Resources:

- A. NYCLU: Stop and Frisk campaign <http://www.nyclu.org/issues/racial-justice/stop-and-frisk-practices>
- B. NYPD Stop and Frisk data
http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml
- C. NCSL guide to Affirmative Action
<http://www.ncsl.org/research/education/affirmative-action-court-decisions.aspx>