Affirmative Action & the Boundaries of Discrimination (excerpts)

The Supreme Court has ruled in the past on the question of “reverse discrimination,” which involves claims that certain individuals or groups have been treated more favorably than others. These cases often involve issues such as affirmative action programs, which are designed to promote diversity and equal opportunity in education and employment. The Court has addressed the issue of whether such programs are constitutional and whether they violate the Equal Protection Clause of the Fourteenth Amendment.

The Exchange

Affirmative action policies awarded public contracts, jobs, admission to higher education, and other social benefits on the basis of race, sex, or national origin. The Supreme Court has considered the issue of whether an affirmative action program can specify a quota for any group, such as a racial minority or women, to ensure equal educational opportunity.

Brown v. Board of Education

The Supreme Court decision in Brown v. Board of Education, which orders that “No State shall...deny to any person within its jurisdiction the equal protection of the laws.” The Court cited the constitutional clause of the Fourteenth Amendment. Chief Justice John Roberts wrote in the plurality opinion that “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race.”

Grades:

Poster

- A MAJOR FACT OF THE CASE

- QUESTION OF CONSTITUTIONAL LAW

- CONCLUSION

- For those who have a different perspective, what could be the political and social consequences of affirmative action?

- Students should base their opinion on their interpretation of the issue.

LESSON

OPENING

1. Ask your students to individually answer the following two questions. Then, have them share their answers with the class.

(a) What were your values when you were young? What were your reasons for choosing these values?

(b) What factors influenced your decision to pursue a particular career path?

Students should share their opinions in an open-ended manner and encourage respectful listening.

Investigation (part 2)

1. Students should work in groups of four and provide each group with the following four articles. Assign each group a different article.

(a) Affirmative action policies awarded public contracts, jobs, admission to higher education, and other social benefits on the basis of race, sex, or national origin.

(b) The Supreme Court has considered the issue of whether an affirmative action program can specify a quota for any group, such as a racial minority or women, to ensure equal educational opportunity.

(c) The Court cited the constitutional clause of the Fourteenth Amendment. Chief Justice John Roberts wrote in the plurality opinion that “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race.”

(d) The decision in Brown v. Board of Education, which orders that “No State shall...deny to any person within its jurisdiction the equal protection of the laws.”

Students should answer the following questions:

1. What are the main arguments presented in the articles? Provide evidence from the articles to support your answer.

2. What are the possible implications of affirmative action programs for the future of the labor market?

3. What are the potential benefits and drawbacks of affirmative action programs?

4. How do affirmative action programs affect the distribution of resources in society?

5. What are the potential consequences of ignoring affirmative action programs?

Students should present their findings in a structured manner and encourage discussion and debate among their peers.
A MORE PERFECT UNION (excerpts)

May 28, 1787.

The drafting of the Constitution of the United States was an undertaking of the greatest importance in the history of the human race. It was a work of legislation of the highest order, a task that required the most careful and thoughtful consideration. The framers of the Constitution were men of great wisdom and vision, who were eager to build a nation that would stand the test of time.

In this excerpt, President Barack Obama reflects on the significance of the Constitution and its role in shaping a more perfect union.

- The Constitution is a model of deliberation and compromise, a testament to the idea that we can work together to solve our problems.
- It is a document that has stood the test of time, and it continues to be relevant in our modern world.
- The Constitution is a source of inspiration for those who want to build a better world.

Barack Obama’s Speech on Race

In this excerpt, President Obama discusses the importance of understanding and addressing the challenges of race in America.

- He emphasizes the need for all Americans to recognize the role of race in our history and our present.
- He calls for a society that is not color-blind, but is committed to equality and justice.
- He looks back on the progress made since the Civil Rights Act of 1964, but also acknowledges the challenges that remain.


In this excerpt, the Supreme Court of the United States discusses the case of Parents Involved in Community Schools v. Seattle School District No. 1, which deals with the constitutionality of school integration programs.

- The Court upheld the use of race as a factor in school integration programs.
- It ruled that such programs are constitutional if they are designed to overcome the effects of past discrimination.
- The Court also emphasized the importance of empirical evidence in evaluating the effectiveness of such programs.

The fourteenth amendment

In this excerpt, the Supreme Court of the United States discusses the role of the Fourteenth Amendment in protecting the rights of all Americans.

- It notes that the Fourteenth Amendment was designed to ensure equal protection under the law.
- It emphasizes the importance of the amendment in protecting the rights of all Americans, regardless of race, gender, or other characteristics.
- It notes that the amendment has been used to protect the rights of African Americans, women, and other historically marginalized groups.

Affirmative action & the boundaries of discrimination

In this excerpt, the Supreme Court of the United States discusses the role of affirmative action in promoting diversity in education and employment.

- It notes that affirmative action is a tool for promoting diversity and combating the effects of past discrimination.
- It emphasizes the importance of using affirmative action in a way that is consistent with the principles of equal protection under the law.
- It notes that the use of affirmative action must be evaluated on a case-by-case basis, taking into account the specific circumstances of each program.
ADVICE TO STUDENTS FOR CONSTITUTIONAL DELIBERATION

Wait to be acknowledged by the facilitator before speaking.

Present your ideas directly to the facilitator or group leader.

Use the Constitution as support for your ideas, refer to the text and use it as a tool.

The guidelines presented below have been created to provide you with advice and ideas on how to keep working towards the creation of a “more perfect Union.”

The Center has been created to offer high school students the opportunity to be heard.

Information about our programs, projects, and activities can be accessed online at www.constitutioncenter.org/exchange.

May 28, 1787.

The Pursuit of Justice: Supreme Court Decisions That Shaped America

The Exchange is a dynamic way for high school students to discover how their peers in their states and across the country are engaging with the Constitution.

Students will be able to find ways for society and the government to overcome obstacles, which prevent us from all being treated equally in the eyes of society and the law.

Students should list moral principles or standards which they believe influence this choice.

Students will then conduct research to determine the history, nature, and results of affirmative action programs. Students will present their research to the class and discuss what they’ve learned with their classmates.

Together, students will determine the criteria for the best way to address this policy question and present their recommendations.

Check out our interactive U.S. Constitution @ www.constitutioncenter.org/constitution

POSTER

A More Perfect Union (concl.)

Affirmative Action & the Boundaries of Discrimination (excerpt)

The Supreme Court’s decision in a case involving college admissions policies has moved the boundaries of constitutional interpretation, and the debate over the fairness of affirmative action programs continues.

President Barack Obama noted that he will always support giving opportunity to all Americans, and he urged universities to use the Constitution to guide their decisions.

May 28, 1964.

As a result of the Supreme Court’s decision in the case involving college admissions policies, universities are now free to use race as a factor in their admissions decisions, but they are not required to do so.

The Supreme Court has ruled that race can be a factor in college admissions decisions if it is used to promote diversity, but it has also held that race cannot be the sole criterion for admission.

In addition to the case involving college admissions policies, the Supreme Court has ruled on other cases involving affirmative action programs, including cases involving housing and employment.

In 2003, the Supreme Court ruled that race could not be considered a factor in making public housing decisions, but it has also held that race can be considered as a factor in making public housing decisions if it is used to promote diversity.

The Supreme Court has also ruled on cases involving employment, including cases involving hiring and promoting practices.

In 2007, the Supreme Court ruled that race could be considered as a factor in making employment decisions if it is used to promote diversity, but it has also held that race cannot be the sole criterion for hiring or promotion.

In conclusion, the Supreme Court has ruled that race can be a factor in college admissions decisions if it is used to promote diversity, but it has also held that race cannot be the sole criterion for admission.

Check out our interactive U.S. Constitution @ www.constitutioncenter.org/constitution

To learn more about the Supreme Court’s decisions involving affirmative action programs, visit www.constitutioncenter.org/exchange.