

Affirmative Action Sparks National Debate—Again

By Amy E. Wong



The Supreme Court upheld affirmative action in higher education institutions back in 2003. Still, affirmative action plays a major role in today's politics, affecting everything from public schools to law firms. With it, controversy, debate, and uncertainty follow.

On Dec. 4, the Supreme Court weighed race in assigning Seattle- and Louisville-based public schools. Justice Ruth Bader Ginsberg told the [Associated Press](#), "What's constitutionally required one day is constitutionally prohibited the next day? That's very odd." Indeed, it is.

As Ginsberg surely knows, discussions on affirmative action never die down. Terry Pell, president of the public interest law firm, Center of Individual Rights, told the AP that, "Regardless of how well-motivated, allowing the state to engineer racial mixing only creates racial stereotypes and increases racial tension."

Pell's warning rings true. Case and point: Richard H. Sander, a law professor at the University of California, Los Angeles, observed in his controversial study that law firms hire minority lawyers who, on average, score much lower than their white counterparts. As a result of these double standards, these minorities rarely make it to partner.

Sander's study elicited lots of criticism from his peers. Professor Mitu Gulati of Duke University commented in an article in [The New York Times](#) that Sander's study "contribute[s] to the stereotyping that already undermines the success of black associates in elite corporate law firms."

There are some, though, who are die-hard advocates of affirmative action. Representatives of the National Organization for Women, the NAACP, and students from Howard University gathered in front of the Supreme Court on Monday, chanting and holding up signs that read, "Equal education, not segregation," "We won't go to the back of the bus; integration is a must," and "Stop Racism Now."

With the debate that affirmative action has gained within this past week, I am sure we will hear more about it in future stories and blog posts. For now, though, I am happy that we are, once again, seriously addressing and reevaluating this important topic.