*U.S History (Gr. 11) New West Charter Instructor: Ms. Hynes*

**Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **“Affirmative Action Analysis”**

***City of Richmond v. J.A. Croson Co.*** was a case in which the United States Supreme Court held that the city of Richmond's minority set-aside program, which gave preference to minority business enterprises (MBE) in the awarding of municipal contracts, was unconstitutional under the Equal Protection Clause. The Court found that the city failed to identify both the need for remedial action and that other non-discriminatory remedies would be insufficient.

*Croson* involved a minority set-aside program in the awarding of municipal contracts. Richmond, Virginia, with a black population of just over 50 percent had set a 30 percent goal in the awarding of city construction contracts, based on its findings that local, state, and national patterns of discrimination had resulted in all but complete lack of access for minority-owned businesses. The Supreme Court stated:

"We, therefore, hold that the city has failed to demonstrate a *compelling* interest in apportioning public contracting opportunities on the basis of race. To accept Richmond's claim that past societal discrimination alone can serve as the basis for rigid racial preferences would be to open the door to competing claims for "remedial relief" for *every* disadvantaged group. The dream of a Nation of equal citizens in a society where race is irrelevant to personal opportunity and achievement would be lost in a mosaic of shifting preferences based on *inherently unmeasurable* claims of past wrongs. [Citing *Regents of the University of California v. Bakke*]. Courts would be asked to evaluate the extent of the prejudice and consequent harm suffered by various minority groups. Those whose societal injury *is thought* to exceed some *arbitrary* level of tolerability then would be entitled to preferential classification. We think such a result would be contrary to both the letter and the spirit of a constitutional provision whose central command is equality."

***Do you agree or disagree with the ruling? Do you think that it helps or harms the cause of civil rights? Explain your reasoning.***

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