

Americans Sharply Divided Over Supreme Court Affirmative Action Rulings

Miller Canfield, Employment Law Alliance Poll Shows 36% Approve; 45% Disapprove

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Americans are as divided in their views over the landmark Supreme Court rulings on college affirmative action admissions programs as the court itself after its recent 5-4 and 6-3 decisions, according to the results of a national survey commissioned by the Employment Law Alliance (ELA), the world's largest network of employment and labor lawyers, to which Miller, Canfield, Paddock and Stone, p.l.c. serves as the state representative.

As part of the continuing series of "America At Work" national polls, 1,000 adults were asked several questions about their opinion on the rulings as well as their personal views on affirmative action in American society. In the first of a two-part analysis of the poll findings, surveyors reported:

- 36% believe the court's decision was a good one
- 45% disapprove of the rulings
- 20% either had no opinion one way or the other or did not express an opinion
- Support for the rulings was strongest among persons in higher income brackets; college graduates; those with advanced college degrees; and residents of the Northeast, Midwest and Western states
- Support was weakest among persons in lower income brackets; retirees; those with a high school education or less and those living in Southern states
- 58% believe affirmative action involving college admission for minorities and women has been good for society
- 23% believe affirmative action involving college admissions has not been good for society
- 20% had no opinion one way or the other or did not express an opinion on whether affirmative action preferences for minorities and women was good for society

"It's important to note that apart from the Court rulings, 58% of those interviewed believe that affirmative action in admissions has been good for society," said Thomas P. Hustoles, employment and education law attorney with Miller Canfield. "Affirmative action has always been about equal opportunities, and colleges need to review their admissions and scholarship policies to avoid any automatic application of a race exclusive component."

Hustoles further noted that the Supreme Court's decisions favorably cited past Court decisions on affirmative action in employment, and on minority contractor set aside programs, so the prior law in those arenas has not changed. He also observed that on such a sensitive subject, the wording of the poll questions can have a great impact—for example, the word "preferences" in a poll question can be a loaded term as opposed to "use of race as one of many factors."

Thomas W. Fenner, Deputy General Counsel of Stanford University, said, "Our admissions process is designed to achieve the broadly-defined diversity endorsed by the Court," Fenner said. "But our task doesn't end there. Once the students arrive on campus, we need to facilitate the kinds of interactions among people from diverse backgrounds that yield the sought-after educational benefits."

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The survey conducted by Reed, Halcy, McIntosh & Associates of Pennsylvania also looked at the attitudes of Americans toward affirmative action in the American workplace. Besides being asked their opinion of whether hiring preferences have been good for society, those polled were questioned about their personal experiences with affirmative action in the workplace. Those results and analysis will be released before the end of July.

The Employment Law Alliance is the world's largest integrated, global practice network comprised of premier, independent law firms distinguished for their practice in employment and labor law. Miller Canfield is the ELA representative for the state of Michigan. For further information, including access to the survey charts and graphs, visit www.employmentlawalliance.com.

The 300-attorney law firm of Miller, Canfield, Paddock and Stone, P.L.C. was established in Detroit in 1852 and has offices in Ann Arbor, Detroit, Grand Rapids, Howell, Kalamazoo, Lansing, Monroe, and Troy, Michigan. Other offices are located in New York City, Pensacola, Florida, Washington, D.C., Windsor, Ontario, and in Gdynia, Katowice, and Warsaw, Poland.