

Case Name	Type of Case	Facts	Standard of Review	Holding/Court's Action	Status
Adarand Constructors Inc. v. Peña (Supreme Court, 1995)	Affirmative Action -- Federal Contracting	<p>Subcontractor, Adarand, challenged the constitutionality of the use of racial classifications in federal program designed to provide opportunities to disadvantaged businesses. In 1989, the Central Federal Lands Highway Division awarded a contract to construct a Colorado highway to Mountain Gravel & Construction Company. Mountain Gravel then solicited bids from subcontractors for the guardrail portion of the contract, which Adarand submitted the low bid and the Gonzales Construction Company submitted a bid as well. The Contracts terms provide that if Mountain Gravel would receive extra compensation if it hire disadvantaged people either socially or economically.</p>	Strict scrutiny	<p>All racial classifications, imposed by whatever federal, state or local governmental actor, must be analyzed by reviewing court under strict scrutiny.</p> <p>Even a well-intentioned preference may exacerbate racial hostility</p> <p>Justice Thomas, concurring: "Government cannot make us equal; it can only recognize, respect, and protect us as equal before the law."</p>	

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Lutheran Church-Missouri Synod v. FCC (1998)	Employment	Employer gave preferences to minority applicants	Strict Scrutiny	Court struck down regulations granting hiring preferences to minorities, which were based on interest in diversity. Court applied strict scrutiny, rejected diversity as compelling interest, and found that even if it were compelling, the regulations were not narrowly tailored.	N/A

FEDERAL CIRCUIT COURTS

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Hopwood v. Univ. of Texas Law School (5 th Cir 1996)	Affirmative Action - Law School	Unsuccessful white applicant to public law school challenged policy that targeted %s of AA and Hisp Students. Applicant claimed that the schools race-based preferences violated the Fourteenth Amendment	Strict Scrutiny	Diversity in student body is not a compelling interest. The court reasoned that the Supreme Court only recognizes remedying the effects of past discrimination as a compelling government interest.	N/A
Coalition for Economic Equity v. Wilson (9 th Cir. 1997)	Challenge Prop. 209/14th Amend.	Allegation Prop. 209 denies women and minorities equal protection	N/A		N/A
Lesage v. State of Texas (5 th Cir. 1998)	Affirmative Action -- Doctoral Program	Applicant denied admission into doctoral program.	Strict Scrutiny	Diversity is not a compelling state interest for the purpose of admissions at a public university.	N/A