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Big businesses back affirmative action before U.S. Supreme Court

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Three major companies, citing the under-representation of minorities in science and technology fields, are urging the U.S. Supreme Court to uphold affirmative action in university admissions in a closely watched case to be argued next month.

Technology services company IBM Corp, chemical manufacturer DuPont and chip maker Intel Corp signed on to a friend-of-the-court brief filed this week backing the University of Texas at Austin.

Affirmative action is a policy under which racial minorities historically subject to discrimination are given certain preferences in education and employment.

The companies said in the brief there is a "profound under-representation" of minorities and women in science and technology professions.

Employers are already suffering from a lack of qualified candidates, meaning the university admissions process is "a critical step where consciousness of the under-utilization problem and the urgent need to correct it must be brought to bear," the brief said.

Other companies including Cisco Systems Inc, Marriott International Inc and United Airlines Inc filed a separate brief backing the university. They stressed their interest in hiring "highly trained employees of all races, religions, cultures and economic backgrounds."

The court on Dec. 9 will hear the case brought by Abigail Fisher, a white applicant denied admission to the entering class of 2008 at the flagship state university in Texas.

Court papers in support of both sides have piled up in recent weeks. The Obama administration, private and public universities and civil rights groups are among those backing affirmative action.

Fisher's supporters include conservative and libertarian organizations such as the Cato Institute and the Center for Individual Rights.

The high court has considered Fisher's case once before. In 2013, it did not directly rule on the program's constitutionality but ordered a federal appeals court to scrutinize it more closely. In 2014, the New Orleans-based 5th U.S. Circuit Court of Appeals ruled in favor of the university.

IBM, DuPont and Intel did not file a similar brief when the high court first heard Fisher's case. DuPont and IBM did join a brief filed in a 2003 case in which the justices upheld the University of Michigan Law School's use of affirmative action in admissions.

That ruling was an example of how friend-of-the-court briefs can influence the justices. In the majority opinion, Justice Sandra Day O'Connor cited several briefs supporting affirmative action, including one filed by retired military officers and another by companies.

A ruling in the case is due by the end of June.