



Basketball Coaches and Starbucks Push For Affirmative Action

Julianne Hing | Wednesday August 22, 2012

They may be strange bedfellows, but there is one issue of national import that the National Association of Basketball Coaches, the Obama administration and Starbucks have come together to support: affirmative action.

Last week these parties, alongside more than five dozen other groups, told the Supreme Court they believe universities ought to be able to take race into consideration in their admissions policies. Their court filings set the stage for the Supreme Court, which is set to take up the politically fraught issue this fall.

Fortune 100 companies argued people of color and religious minorities are key to the nation's economic success; in an increasingly globalized world, diverse companies do better business. Diverse student bodies were in the best interests of government, said the Departments of Justice, Defense, Education, Commerce, Labor and Health and Human Services.

Yet it was the voices of the National Association of Basketball Coaches, and 43 current and former coaches, which stuck out most in the crowd of 71 briefs filed in support of race-conscious admissions. Without affirmative action, colleges run the risk of regressing to the days when the only black and Latino students on campus are student athletes said the National Association of Basketball Coaches.

"I think for a number of us who were on college campuses back in the '60s and '70s, were there African-American basketball players and football players on those campuses? Sure. But that certainly wouldn't suggest there was diversity throughout the universities," NABC president Jim Haney told [ESPN](#). "Minority representation in some cases was almost exclusively student-athletes."

"It would be nice if everyone was on the same playing field and it was level," Haney said. "But it's not that way. Some people who are disadvantaged just need the opportunity."

The Supreme Court will hear the case of Abigail Fisher, a white student who was denied admission to the competitive University of Texas at Austin school under the University of Texas' top 10 percent rule, under which the university system automatically accepts the top ten percent of students from each high school

around the state. The rest of an incoming class is made up of students who are considered with a number of factors, including race.

Fisher failed to make the top ten percent cut, and argued that her constitutional rights were violated because her academic scores were higher than others who were accepted. Fisher graduated from Louisiana State University this year.

Among those who've weighed in in support of Fisher are tea party darling Rep. Allen West, the conservative Cato Institute, and a group of Asian-American organizations who say that Asian Americans are hurt by affirmative action policies.

Amicus briefs can have varying levels of influence on justices' ultimate decisions. And while briefs give a sense for the contours of the debate, they don't offer much clue about what justices will focus on or take into account.

And yet, amicus briefs have in the past played a key role in informing Supreme Court justices' opinions. When the Supreme Court took up race-conscious admissions processes just nine years ago when it considered the University of Michigan Law School's admissions policy, amicus briefs filed by military agencies and business interests were discussed during oral arguments, and in her opinion upholding the law school's policy, Justice Sandra Day O'Connor prominently referenced amicus briefs filed by those very groups.

Without race-conscious admissions policies, "the military cannot achieve an officer corps that is both highly qualified and racially diverse," military service academies said. Those policies were an "essential" component to the military's ability to maintain national security. The military and big business were not alone in their sentiments, yet their voices carried a novel and unique weight for Supreme Court justices. Who is weighing in is just as important as the content of their briefs, it turns out.

Will the voices of basketball coaches and Fortune 100 companies from Pfizer to PepsiCo similarly influence this suite of justices this time around? On October 10 when oral arguments are set the nation will find out.