



A Conflict of Principles: The Battle Over Affirmative Action at the University of Michigan

Carl Cohen

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"No state . . . shall deny to any person within its jurisdiction the equal protection of the laws." So says the Equal Protection Clause of the U.S. Constitution, a document held dear by Carl Cohen, a professor of philosophy and longtime champion of civil liberties who has devoted most of his adult life to the University of Michigan. So when Cohen discovered, after encountering some resistance, how his school, in its admirable wish to increase minority enrollment, was actually practicing a form of racial discrimination—calling it "affirmative action"—he found himself at odds with his longtime allies and colleagues in an effort to defend the equal treatment of the races at his university. In *A Conflict of Principles* Cohen tells the story of what happened at Michigan, how racial preferences were devised and implemented there, and what was at stake in the heated and divisive controversy that ensued. He gives voice to the judicious and seldom heard liberal argument against affirmative action in college admission policies.

In the early 1970s, as a member of the Board of Directors of the American Civil Liberties Union, Cohen vigorously supported programs devised to encourage the recruitment of minorities in colleges, and in private employment. But some of these efforts gave deliberate preference to blacks and Hispanics seeking university admission, and this Cohen recognized as a form of racism, however well-meaning. In his book he recounts the fortunes of contested affirmative action programs as they made their way through the legal system to the Supreme Court, beginning with *DeFunis v. Odegaard* (1974) at the University of Washington Law School, then *Bakke v. Regents of the University of California* (1978) at the Medical School on the UC Davis campus, and culminating at the University of Michigan in the landmark cases of *Grutter v. Bollinger* and *Gratz v. Bollinger* (2003). He recounts his role in the initiation of the Michigan cases, explaining the many arguments against racial preferences in college admissions. He presents a principled case for the resultant amendment to the Michigan constitution, of which he was a prominent advocate, which prohibited preference by race in public employment and public contracting, as well as in public education.

An eminently readable personal, consistently fair-minded account of the principles and politics that come into play in the struggles over affirmative action, *A Conflict of Principles* is a deeply thoughtful and thought-provoking contribution to our national conversation about race.

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