**Johnson v. Transportation Agency, Santa Clara County (Ch 8, p 269)**

https://www.law.cornell.edu/supremecourt/text/480/616

1. What was the legal issue in this case? What did the Supreme Court decide?

2. What does this case reveal about the conditions under which affirmative action is legal?

3. What evidence did the county have of the need for affirmative action?

4. Why does the court conclude that the measures used to implement the county’s affirmative action plan do not unduly burden white males such as Johnson?

5. Do you agree with this decision? Why or Why not?

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**Cleveland Firefighters for Fair Hiring Practices v. City of Cleveland I & II (Ch 8, p 278)**

https://supreme.justia.com/cases/federal/us/478/501/case.html

1. What were the issues before the courts in these two decisions? What did the appeals court (“Cleveland Firefighters (I)”) decide? What did the district court (“Cleveland Firefighters (II)”) decide?

2. What did the consent decree, as amended, require of the city? Why was a consent decree needed in the first place?

3. Why did the district court conclude that the raceconscious measures called for by the consent decree were no longer constitutional? Why did the district court’s analysis not end with that finding?

4. What are the six factors that the district court considered in reaching its decision that the consent decree, in its totality, would not be extended? How did the district court apply those factors?

5. Would the city have made as much progress as it did without the legal challenges and consent decree? Why or why not? Should we be concerned that, despite this progress, 24 percent of firefighters are minority group members in a city with a nearly 60 percent minority population—and that this figure has not grown for over a decade? Why or why not? How likely is it that, released from monitoring for compliance with the consent decree, the city will backslide? Why do you say that?