Looking at a Case

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Schuette v. Coalition to Defend Affirmative Action, 572 U.S. 291

Civil liberties look at the freedom of the citizens against oppressive government processes (Schmidt, 2014). The government's regulatory power has to be checked to protect individual freedom. To this end, there have been influential US Supreme court cases that have had an impact on civil liberties.

The case presented in this paper was a Supreme Court case in which the main question addressed was the extent to which constitutional alterations to block the utilization of race and gender discrimination and any form of special rights treatment within the education system – specifically university admission – could violate the 14th Amendment on Equal Protection (Oyez, n.d.).

In the state of Michigan, voters supported the institution of a prohibition of gender and race-based special treatment in 2006. This looked at banning of any form of preferential treatment in government areas such as in education, employment, and contracting. This led to the formation of a coalition by various rights groups which looked to stop the implementation of the supported legislation by arguing that the removal of affirmative action disadvantaged the minority. In the case, the court decided in favor of the voters to choose the ban in government school admissions as there was no constitutional law or precedence that had been set to block voters from taking such a decision. Moreover, it was argued that the use of race and gender-based preferences may make for more harm as there is the creation of doubt on the doubt of where minorities belong. This case shows a core part of understanding civil liberties in the context of democratic governance. According to Gunn (2005), one of the oldest understanding of civil liberties is the core perspective that the citizen has the right to exercise self-governance. As such, the government has a role to protect various interests of the voters as long as they do not interfere with the effectiveness of the delivery of services.

References

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