

Ricci v. DeStefano

Advocates

Gregory S. Coleman (argued the cause for the petitioners)

Edwin S. Kneedler (Deputy Solicitor General, Department of Justice, argued the cause for the United States as amicus curiae)

Christopher J. Meade (argued the cause for the respondent)

Case Basics

Docket No.:

08-328

Petitioner:

Frank Ricci et al.

Respondent:

John DiStefano et al.

Consolidation:

Ricci v. DeStefano, No. 07-1428

Opinion:

557 U.S. ____ (2009)

Granted:

Friday, January 9, 2009

Argued:

Wednesday, April 22, 2009

Decided:

Monday, June 29, 2009

Facts of the Case:

White and Hispanic candidates for promotion in the New Haven, CT fire department sued various city officials in the United States District Court for the District of Connecticut when the New Haven Civil Service Board (CSB) failed to certify two exams needed for the plaintiffs' promotion to Lieutenant and Captain. The CSB did not certify because the results of the test would have promoted a disproportionate number of white candidates in comparison to minority candidates. The plaintiffs argued that their rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e, and the 14th Amendment Equal Protection Clause were violated. The federal district court granted the defendants' motion for summary judgment.

On appeal, the United States Court of Appeals for the Second Circuit affirmed. It reasoned that the CSB, by refusing to certify the results of the promotional exam, was trying to fulfill its obligations under the rules utilized by the plaintiffs in their argument and therefore was protected in its actions.

Question:

- 1) Can a municipality reject results from an otherwise valid civil service exam when the results unintentionally prevent the promotion of minority candidates?
- 2) Does 42 U.S.C. Section 2000e permit federal courts to relieve municipalities from having to comply with local laws that require strict compliance with race-blind merit selection procedures?

Conclusion:

The Supreme Court held that by discarding the exams, the City of New Haven violated Title VII of the Civil Rights Act of 1964. With Justice Anthony M. Kennedy wrote the majority joined by Chief Justice John G. Roberts, and Justices Antonin G. Scalia, Clarence Thomas, and Samuel A. Alito. Before an employer can engage in intentional discrimination for the purpose of avoiding a "disparate impact" on a protected trait (race, color, religion, national origin), the employer must have a "strong basis in evidence" that it will be subject to "disparate impact liability" if it fails to take the discriminatory action. Here, the Court reasoned that New Haven failed to prove it had a "strong basis in evidence" that failing to discard the results of the exam would have subjected it to liability, as the exams were job-related, consistent with business necessity, and there was no evidence that an equally-valid, less-discriminatory alternative was available.

Justice Scalia wrote separately, concurring. He noted that the Court avoided answering whether the "disparate impact" provision of Title VII was consistent with the Equal Protection Clause. Justice Alito also wrote a concurring opinion and was joined by Justices Scalia and Thomas. He criticized the dissent for omitting key information in reaching its alternate conclusion.