ordered remedy—mandatory busing—as inappropriate.[1661] Moreover, state school boards continued under an obligation to alleviate *de facto* segregation by every other feasible means.

The Court, however, subsequently declined to extend the reasoning of these cases to remedies for exclusively *de facto* racial segregation. In *Schuette v. BAMN*,[1662] the Court considered an amendment to the Michigan Constitution, approved by that state's voters, to prohibit the use of race-based preferences as part of the admissions process for state universities. In *Schuette*, a plurality of the Court characterized its prior holdings as applying only to those situations where states had both engaged in *de jure* discrimination and acted to limit the means available to remedy the injury caused.[1663] Finding no similar allegations of past discrimination in the Michigan university system, the Court declined to "restrict the right of Michigan voters to determine that race-based preferences granted by state entities should be ended."[1664] The Court also did not extend the reasoning, accepted in those prior cases, that imposing a procedural barrier to desegregation efforts had "the clear purpose of making it more difficult for certain racial and religious minorities to achieve legislation that is in their interest," noting that all members of a racial group do not necessarily share the same political interests.[1665]

Termination of Court Supervision.—With most school desegregation decrees having been entered decades ago, the issue arose as to what showing of compliance is necessary for a school district to free itself of continuing court supervision. The Court grappled with the issue, first in a case involving Oklahoma City public schools, then in a case involving the University of Mississippi college system. A desegregation decree may be lifted, the Court said in *Okla-*

[1661] Crawford v. Los Angeles Bd. of Educ., 458 U.S. 527, 535–40 (1982).

[1662] 572 U.S. ___, No. 12–682, slip op. (2014).

[1663] The plurality opinion was written by Justice Kennedy, joined by Chief Justice Roberts and Justice Alito. Justice Scalia authored an opinion concurring in judgment, joined by Justice Thomas, which would have overturned *Seattle School Dist.* and the case on which it was based, *Hunter*. 572 U.S. ___, No. 12–682, slip op. at 7–8 (2014) (Scalia, J., concurring in judgment). Justice Breyer also wrote an opinion concurring in judgment, noting that the racial preference policy had been adopted by individual school administrations, not by elected officials, so that the ability of minorities to participate in the political process had not been diminished by resolving the issue through public ballot. Id. at 5 (Breyer, J., concurring in judgment). Justice Sotomayor, joined by Justice Ginsburg, dissented, arguing that the plurality had "discarded" the "political process" doctrine, limiting it to instances of "invidious discrimination." Id. at 5, 22 (Sotomayor, J., dissenting). Justice Kagan recused herself.

[1664] 572 U.S. ___, No. 12–682, slip op. at 3–4.

[1665] 572 U.S. ___, No. 12–682, slip op. at 11.