Supplementary Material

Chapter 11: The Contemporary Era—Equality/Race

Coalition to Defend Affirmative Action, Integration, and Immigrant Rights and Fight for Equality by Any Means Necessary (BAMN) v. Regents of the University of Minnesota, 701 F. 3d 466 (6th Cir. 2012)

The Coalition to Defend Affirmative Action, Integration, and Immigration Rights and Fight for Equality (BAMN) by Any Means Necessary is a student-led movement that lobbies and litigates for progressive civil rights causes. Affirmative action is one of many progressive causes that BAMN supports vigorously. In 2006, Michigan voters in a state referendum ratified Proposal 2, a state constitutional amendment prohibiting affirmative action programs at state universities, most notably the program the Supreme Court approved in Grutter v. Bollinger *(2003). Proposal 2 declared, "The University of Michigan, Michigan State University, Wayne State University, and any other public college or university, community college, or school district shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting." The day after Michigan voters amended the state constitution, BAMN filed a suit in the local federal district court, asking for an injunction forbidding state officials from implemented Proposal 2. After finally determining who had standing to sue whom, the local district court granted summary judgment to Michigan officials. A three-judge panel on the Court of Appeals for the Sixth Circuit reversed that decision on the grounds that Proposal 2 altered political processes in Michigan in ways that violated the equal protection clause of the Fourteenth Amendment. Michigan asked that the decision be reviewed by the Sixth Circuit en banc.*

The Sixth Circuit by an 8–7 vote ruled that Proposal 2 violated the equal protection clause. Judge's Cole's majority opinion held that by requiring proponents of affirmative action to amend the state constitution, that initiative violated the right "to have equal access to the tools of political change." The majority opinion and main dissent debated at length the significance of two past precedents. In Hunter v. Erickson *(1969), the Supreme Court declared unconstitutional an Akron, Ohio, ordinance that required a referendum before any measure regulating real estate transactions "on the basis of race, color, religion, national origin or ancestry" could become law. In* Washington v. Seattle Sch. Dist. No. 1 *(1982), the justices struck down a state law that forbade local school boards from adopting voluntary busing measures. How did the majority and dissenting opinions interpret these precedents? Which interpretation would you adopt? Judge Cole's opinion contended that the constitutionality of affirmative action was not at stake in this case. Is that correct? Did attitudes toward affirmative action influence the opinions in this case? The Supreme Court of the United States will be hearing an appeal from this decision during the 2013–2014 Term.*[1] *In light of the judicial decision not to make a major ruling on affirmative action in* Fisher v. University of Texas at Austin*, why did the justices grant certiorari in this case? How are they likely to rule?*

COLE, CIRCUIT JUDGE

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[W]e are neither required nor inclined to weigh in on the constitutional status or relative merits of race-conscious admissions policies as such. This case does not present us with a second bite at *Gratz v. Bollinger* (2003) and *Grutter v. Bollinger* (2003)—despite the best efforts of the dissenters to take one anyway. This case instead presents us with a challenge to the constitutionality of a state amendment that

[1]The case before the Supreme Court has been, mercifully, shortened to *Schuette v. Coalition to Defend Affirmative Action*. Bill Schuette is the current attorney general of Michigan.

alters the process by which supporters of permissible race-conscious admissions policies may seek to enact those policies. In other words, the sole issue before us is whether Proposal 2 runs afoul of the constitutional guarantee of equal protection by removing the power of university officials to even consider using race as a factor in admissions decisions—something they are specifically allowed to do under *Grutter*.

The Equal Protection Clause "guarantees racial minorities the right to full participation in the political life of the community. It is beyond dispute . . . that given racial or ethnic groups may not be denied the franchise, or precluded from entering into the political process in a reliable and meaningful manner." But the Equal Protection Clause reaches even further, prohibiting "a political structure that treats all individuals as equals, yet more subtly distorts governmental processes in such a way as to place special burdens on the ability of minority groups to achieve beneficial legislation." "[T]he State may no more disadvantage any particular group by making it more difficult to enact legislation in its behalf than it may dilute any person's vote or give any group a smaller representation than another of comparable size."

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Of course, the Constitution does not protect minorities from political defeat: Politics necessarily produces winners and losers. We must therefore have some way to differentiate between the constitutional and the impermissible. . . .

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Hunter v. Erickson (1969) and *Washington v. Seattle Sch. Dist, No. 1* (1982) expounded the rule that an enactment deprives minority groups of the equal protection of the laws when it: (1) has a racial focus, targeting a policy or program that "inures primarily to the benefit of the minority"; and (2) reallocates political power or reorders the decisionmaking process in a way that places special burdens on a minority group's ability to achieve its goals through that process. Applying this rule here, we conclude that Proposal 2 targets a program that "inures primarily to the benefit of the minority" and reorders the political process in Michigan in a way that places special burdens on racial minorities.

The first prong of the *Hunter/Seattle* test requires us to determine whether Proposal 2 has a "racial focus." This inquiry turns on whether the targeted policy or program, here holistic race-conscious admissions policies at public colleges and universities, "at bottom inures primarily to the benefit of the minority, and is designed for that purpose." The targeted policy need not be for the sole benefit of minorities, for "it is enough that minorities may consider [the now burdened policy] to be 'legislation that is in their interest.'"

Seattle conclusively answers whether a law targeting policies that seek to facilitate classroom diversity, as Proposal 2 does, has a racial focus. In *Seattle*, the Court observed that programs intended to promote school diversity and further the education of minority children enable these students to "achieve their full measure of success." . . . Accordingly, the Court noted that "desegregation of the public schools . . . at bottom inures primarily to the benefit of the minority. . . ." Because minorities could "consider busing for integration to be 'legislation that is in their interest,'" the Court concluded that Initiative 350's effective repeal of such programs had a racial focus sufficient to "trigger application of the *Hunter* doctrine."

The logic of the Court's decision in *Seattle* applies with equal force here. Proposal 2 targets race-conscious admissions policies that "promote[ ] 'cross-racial understanding,' help[ ] to break down racial stereotypes, and 'enable[ ] students to better understand persons of different races.'" Just as an integrative busing program is designed to improve racial minorities' representation at certain public schools, race-conscious admissions policies are designed to increase racial minorities' representation at institutions of higher education. There is no material difference between the enactment in *Seattle* and Proposal 2, as both targeted policies that benefit minorities by enhancing their educational opportunities and promoting classroom diversity. Further, given that racial minorities lobbied for the implementation of the very policies that Proposal 2 permanently eliminates, it is beyond question that Proposal 2 targets policies that "minorities may consider . . . [to be] in their interest." Therefore, Proposal 2 has a racial focus because race-conscious admissions policies at Michigan's public colleges and universities "inure[ ] primarily to the benefit of the minority, and [are] designed for that purpose."

. . . . Although it is true that increased representation of racial minorities in higher education benefits all students, the Supreme Court has made clear that these policies still have a racial focus. In *Seattle*, the Court recognized that it is "clear that white as well as Negro children benefit from exposure to ethnic and racial diversity in the classroom." But the *Seattle* Court found that the wider benefits of the busing plan did not serve to distinguish *Hunter*, "for we may fairly assume that members of the racial majority both favored and benefited from Akron's fair housing ordinance." By the same token, the wider benefits of race-conscious admissions policies do not undermine the conclusion that such admissions policies "inure[ ] primarily to the benefit of the minority. . . ."

Nor do policy arguments attacking the wisdom of race-conscious admissions programs preclude our finding that these programs "inure[ ] primarily to the benefit of the minority." . . . As in *Seattle*, "it is enough that minorities may consider [the repealed policy] to be 'legislation that is in their interest.'"

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The second prong of the *Hunter/Seattle* test asks us to determine whether Proposal 2 reallocates political power or reorders the political process in a way that places special burdens on racial minorities. We must first resolve (1) whether the affected admissions procedures lie within the "political process," and then (2) whether Proposal 2 works a "reordering" of this political process in a way that imposes "special burdens" on racial minorities.

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. . . . [T]he elected boards of Michigan's public universities can, and do, change their respective admissions policies, making the policies themselves part of the political process. . . . Moreover, to the extent the Attorney General and the dissenters express concern over the degree to which the board has delegated admissions decisions, that delegation does not affect whether admissions decisions should be considered part of the political process. When an elected body delegates power to a non-elected body for the day-to-day implementation of policy, it does not remove the policy from the political process. In the administrative law context, for example, rule-making powers are delegated from the President to appointed cabinet officials, and as a practical matter, further down to civil service professionals. Regardless of the level at which the rule is drafted, the rule-making process is at all times under the umbrella of the powers of the President. These rules are often the subject of political debate, lobbying, and electioneering, again without regard to who actually drafted the particular rule in question. Without question, federal rule-making is part of the political process. Similarly, whether it is the board or a delegated body that sets the rules for consideration of race in admissions, these decisions fall under the umbrella of the elected board and are thus part of the political process.

Telling evidence that board members can influence admissions policies—bringing such policies within the political process—is that these policies can, and do, shape the campaigns of candidates seeking election to one of the boards. As the boards are popularly elected, citizens concerned with race-conscious admissions policies may lobby for candidates who will act in accordance with their views—whatever they are. Board candidates have, and certainly will continue, to include their views on race-conscious admissions policies in their platforms. . . . Thus, Proposal 2 affects a "political process."

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The comparative structural burden we face here is every bit as troubling as those in *Hunter* and *Seattle* because Proposal 2 creates the highest possible hurdle. . . . An interested Michigan citizen may use any number of avenues to change the admissions policies on an issue outside the scope of Proposal 2. For instance, a citizen interested in admissions policies benefitting legacy applicants—sons and daughters of alumni of the university—may lobby the admissions committees directly, through written or in-person communication. He may petition higher administrative authorities at the university, such as the dean of admissions, the president of the university, or the university's board. He may seek to affect the election—through voting, campaigning, or other means—of any one of the eight board members whom the individual believes will champion his cause and revise admissions policies accordingly. And he may campaign for an amendment to the Michigan Constitution. Each of these methods, respectively, becomes more expensive, lengthy, and complex. Because Proposal 2 entrenched the ban on all race-conscious admissions policies at the highest level, this last resort—the campaign for a constitutional amendment—is the sole recourse available to a Michigan citizen who supports enacting such policies. . . .

The "simple but central principle" of *Hunter* and *Seattle* is that the Equal Protection Clause prohibits requiring racial minorities to surmount more formidable obstacles than those faced by other groups to achieve their political objectives. . . . Because less onerous avenues to effect political change remain open to those advocating consideration of nonracial factors in admissions decisions, Michigan cannot force those advocating for consideration of racial factors to traverse a more arduous road without violating the Fourteenth Amendment. We thus conclude that Proposal 2 reorders the political process in Michigan to place special burdens on minority interests.

The Attorney General and the dissenters assert that *Hunter* and *Seattle* are inapplicable to Proposal 2 because those cases only govern enactments that burden racial minorities' ability to obtain protection from discrimination through the political process, whereas Proposal 2 burdens racial minorities' ability to obtain preferential treatment. . . . [T]he *Hunter/Seattle* doctrine works to prevent the placement of special procedural obstacles on minority objectives, whatever those objectives may be. . . . What matters is whether racial minorities are forced to surmount procedural hurdles in reaching their objectives over which other groups do not have to leap. If they are, the disparate procedural treatment violates the Equal Protection Clause, regardless of the objective sought.

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. . . . Proposal 2 "works something more than the 'mere repeal' of a desegregation law by the political entity that created it." Had those favoring elimination of all race-conscious admissions policies successfully lobbied the universities' admissions units, just as racial minorities did to have these policies adopted in the first place, there would be no equal protection concern. Rather . . . Proposal 2 "burdens all future attempts" to implement race-conscious admissions policies "by lodging decisionmaking authority over the question at a new and remote level of government."

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DANNY J. BOGGS, CIRCUIT JUDGE, dissenting.

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[T]he majority seems to concede that some set of decision makers in Michigan would be able to reverse the policies that they claim are immune from actions by the entire body politic. Rather, they demand that any changes in the educational (and perhaps employment) policies here can be enacted only by individual actions of each of the university governing authorities (three of which are chosen by statewide election over eight years. . . . Thus, plaintiffs here contend that a citizen or student, whether from the Upper Peninsula or the city of Detroit, or from another state, who wants to pursue educational and employment opportunities in Michigan free from racial discrimination, must contest and succeed, one-by-one, in elections or selections in all of the many individual jurisdictions and methods of selection. To simply state this proposition is to show how far afield this situation is from even the most generous interpretation of the *Hunter* and *Seattle* cases.

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JULIA SMITH GIBBONS, Circuit Judge, dissenting.

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The political restructuring theory on which the majority relies does not invalidate Proposal 2. Racial preference policies in university admissions—presumptively invalid but permissible under limited circumstances and for a finite period of time—do not receive the same structural protections against statewide popular repeal as other laws that inure to the interest of minorities. . . .

In holding that student-body diversity is a compelling state interest that can justify the narrowly tailored use of race in university admissions policies, *Grutter* set forth three principles about race-based admissions policies that bear repeating here. First, *Grutter* reminded us that "'[a] core purpose of the Fourteenth Amendment was to do away with all governmentally imposed discrimination based on race'" and that, as a consequence, "race-conscious admissions policies must be limited in time." . . . Second, *Grutter* indicated that the decision to end race-conscious admissions policies is primarily one to be made

by states and their public universities, not courts. And third, while racially conscious admissions policies are permitted, they are not constitutionally required.

. . . . *Hunter* involved the repeal of a presumptively valid law that mandated equal treatment; it did not involve the repeal of a racial preference policy or any other law that was itself presumptively invalid. Thus, *Hunter* does not guide us here.

Nor does *Washington v. Seattle Sch. Dist. No. 1* (1982), suggest application of the political restructuring doctrine to Proposal 2. The underlying law in *Seattle* was a local ordinance that implemented a series of school desegregation measures, which was repealed by a statewide referendum called Initiative 350. . . . [I]n order to trigger political-process concerns, *Seattle* instructs that the challenged enactment must single out racial issues or racially oriented legislation. And indeed, the challenged enactment in *Seattle*, though facially neutral, was "carefully tailored to interfere only with desegregative busing"—that is, to address "only a racial problem." That is not the case here. Proposal 2 does not address "only a racial problem:" it prohibits any preference on the basis of race, sex, color, ethnicity, or national origin. . . .

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There is an additional reason that the political restructuring doctrine should not apply here, a reason that has less to do with *Seattle* itself than with the evolution of equal protection jurisprudence since it was decided. Today, it is plain that a racially conscious student assignment system—such as the one that the Seattle initiative attempted to make more difficult to enact—would be presumptively invalid and subject to strict scrutiny. But that was not always the case. "[A]t the time *Seattle* was decided, the high court's prior decisions indicated that the assignment of pupils by ratios to achieve racial balance fell 'within the broad discretionary powers of school authorities' to formulate 'educational policy' and to 'prepare students to live in a pluralistic society. . . .'" Thus, when articulating the reach of the political restructuring doctrine, *Seattle* did not consider that the underlying policy affected by the challenged enactment was presumptively invalid. But we must consider that fact here. And indeed, the circumstance that racially conscious admissions policies are subject to the most exacting judicial scrutiny and limited in time—legal realities that the *Seattle* Court neither confronted nor factored into its decision—counsels heavily against applying the political restructuring doctrine to the enactment of Proposal 2. . . .

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There is another reason that Hunter and Seattle cannot forbid the amendment of the Michigan Constitution through the passage of Proposal 2. In both cases the relevant lawmaking authority was reallocated from a local legislative body to the "more complex government structure" of the city- or state-wide general electorate, thereby placing a "comparative structural burden . . . on the political achievement of minority interests." . . . As the record here demonstrates, the people of Michigan have not restructured the state's lawmaking process in the manner prohibited by Hunter and Seattle. Instead, their vote removed admissions policy from the hands of decisionmakers who were unelected and unaccountable to either minority or majority interests and placed it squarely in an electoral process in which all voters, both minority and majority, have a voice.

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At [no Michigan university] is there a system in place to review or alter admissions policies at a level above a vote of the faculty. . . . Frank Wu, then the dean at Wayne State University Law School, agreed that "only the faculty at the law school has the authority to create and approve the admissions policy" at the school. Indeed, Wu testified that the admissions policy is not subject to the approval of the Wayne State University Board of Governors, and, in his view, if the Board of Governors attempted to alter the decision of the law school's faculty with respect to criteria for admission, "it would precipitate a constitutional crisis." Each institution's board may superficially have "plenary authority" over its respective institution, but the real authority to set admissions policy rests with each program-specific faculty within the universities.

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The decisionmaking structure at the universities is important because these program-specific faculty admissions committees are far afield from the legislative bodies from which lawmaking authority was removed in *Hunter* and *Seattle*. . . . For the *Seattle* majority an impermissible reordering of the political

process meant a reordering of the processes through which the people exercise their right to govern themselves. Thus, the academic processes at work in state university admissions in Michigan are not "political processes" in the manner contemplated in *Seattle*. Unlike the Seattle School Board and the Akron City Council, the various Michigan university admissions committees and faculty members are unelected. As at most public universities, tenured faculty members have significant vested rights associated with their employment in order to preserve academic freedom and independence. The faculty members who are permitted to vote on policy matters are therefore significantly insulated from political pressure by virtue of their tenure. These faculty are beholden to no constituency—student, local, or otherwise. And, as demonstrated by the testimony of the law school deans in this case, the people of Michigan have no ability to exert electoral pressure on the university decision makers to change their admissions policies. As they currently stand, the faculty admissions committees are islands unto themselves, vested with the full authority to set admissions policy for their respective university programs.

Of course, when an elected body delegates a power, it does not automatically follow that the delegatee's decisions fall outside the political process. But that is not the point. Rather, the testimony of the law school deans demonstrates that, whatever the formal legal structure, the faculty committees set admissions policies without significant review by the boards—thus insulating them from the political pressures the boards themselves face.

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The lack of a viable electoral mechanism to change university admissions policies at a sub-constitutional level means that the voters' use of a constitutional amendment in this instance does not serve to create "comparative structural burden[s] . . . on the political achievement of minority interests." If, as the evidence before this court makes plain, the voters cannot exert electoral pressure on independent faculty committees, then all voters regardless of racial identity compete on the same level for the political achievement of their higher-education interests: the constitutional level. This state constitutional amendment does not, then, create an improper comparative structural burden, but rather merely requires proponents of the use of racial preferences in admissions policy to engage the same level of process followed by proponents of Proposal 2. Thus, contrary to what the majority suggests, the burden upon a citizen who advocates for legacy preferences in university admissions is similar to the burden upon a citizen who advocates for racial preferences. Although the former may attempt to lobby a faculty committee or university directly, these entities—according to the clear testimony of the law school deans and the manner in which authority has been delegated—will likely be unresponsive. Likewise, efforts to elect a particular board member, where the evidence demonstrates that the boards do not alter the admissions policies approved by the faculty committees, will similarly have little effect on admission policies.

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ROGERS, CIRCUIT JUDGE, dissenting.

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SUTTON, CIRCUIT JUDGE, dissenting.

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. . . . Under the realm of politics, the people of a State may choose to end rather than continue affirmative-action programs. Under the realm of process, the people of a State are free to use amendments to their constitution—the same charter of state government that delegated power to create affirmative-action programs in the first place—as the vehicle for making the change.

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By any reasonable measure, Proposal 2 does not place "special burdens" on racial minorities. It bans "discriminat[ing] against, or grant[ing] preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public

education, or public contracting." That is not a natural way to impose race-based burdens. The words of the amendment place no burden on anyone, and indeed are designed to prohibit the State from burdening one racial group relative to another. All of this furthers the objectives of the Fourteenth Amendment, the same seed from which the political-process doctrine sprouted.

That the people of Michigan made this change through their Constitution, as opposed to state legislation or a new policy embraced by the governing boards at the three state universities, does not impose a "special burden" on any racial minority. There is nothing unusual about placing an equal-protection guarantee in a constitution. That is where individual-liberty guarantees often go, and that after all is where the national framers placed the federal counterpart. States need not place equal-protection guarantees at the structural location of the plaintiffs' choosing, be it at the governing boards of each university, the faculty of each university or the admissions office of each university. Instead of neutralizing the political process, that approach would skew it.

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The charge that the Federal Constitution prohibits States from banning racial preferences through amendments to their constitutions also fails to account for one of the most fervent criticisms of state constitutions: They are too easy to change. . . . Nothing prevents proponents of affirmative action from borrowing a page from the same playbook in a future state referendum—unless, that is, 51 % of Michigan voters do not support the change. . . .

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. . . . Instead of allowing the people of Michigan to end racial preferences through a statewide popular vote that amends the State Constitution, [BAMN] insist(s) the Fourteenth Amendment permits this change in one, and only one, way: multiple elections over multiple years. Their theory contains several premises and several steps. One: any change may not come through legislation because the Michigan Constitution puts the governing boards at each of the three public universities (Michigan, Michigan State and Wayne State) in charge of educational policy, including apparently admissions policies, at each university. Two: there are eight members of the Board at each university, and two of them stand for election every two years in statewide elections. Three: these statewide elections are the only neutral way to permit opponents of racial preferences to establish such an admissions policy. Four: after eight years, the opponents of racial preferences will have had a chance to replace all members of the three Boards and presumably by then, if not a few years before, would have the votes to end racial preferences at each university. And all of this explains only the rules for Michigan's three public universities. Anyone wishing to change admissions policies at Michigan's other institutions of higher education faces an equally elaborate process.

Whatever else one might say about the path on which this interpretation of the Fourteenth Amendment takes us, it does not follow Occam's razor in getting there. Yet needless complexity is the least of the problems raised by this theory. How would the supporters of Proposal 2 end racial preferences in public contracting and public employment, which the university boards do not oversee? Does plaintiffs' theory mean opponents of racial preferences must do both—win a statewide referendum and win twenty-four statewide individual elections? . . .

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Another oddity of this theory is that it would apply even if the Michigan Constitution eliminated affirmative-action programs in another way. In 1963, the people of Michigan passed an earlier amendment to their Constitution, one that prohibited race discrimination by governmental entities. In view of this prohibition, a Michigan resident surely would have the right to bring a claim that the State Constitution's existing prohibition on race-based classifications bars a system of racial preferences in admissions, contracting and employment. . . . A decision invalidating racial preferences, however, would have precisely the same effect as Proposal 2, establishing that the Constitution bars racial preferences and placing the onus on proponents of racial preferences to alter the Constitution. The claimants have no answer to this point. If Proposal 2 violates the political-process doctrine, so too would a decision by the Michigan Supreme Court that comes to the same end through a permissible interpretation of the 1963 equal-protection guarantee.

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Proposal 2 removes racial preferences, not anti-discrimination measures. To the extent Proposal 2 has any effect on the political structures through which a group may acquire special treatment in university admissions, it is a leveling one. The law imposes no "special burden[s]" on anyone, but instead eliminates "pernicious" "racial classifications," If ever there were a neutral, non-special burden, that is it. The Equal Protection Clause freely permits governments to ban racial discrimination, as here, but it does not freely permit them to ban all bans on racial discrimination, as in *Hunter* and *Seattle.*

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GRIFFIN, CIRCUIT JUDGE, dissenting.

I . . . write separately to emphasize that the "political structure" doctrine is an anomaly incompatible with the Equal Protection Clause. I urge the Supreme Court to consign this misguided doctrine to the annals of judicial history.

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The ill-advised "political structure" doctrine employed by the majority in this case was crafted by the Supreme Court more than one hundred years after the ratification of the Fourteenth Amendment. . . . The infrequent use of the doctrine is not surprising given its lack of a constitutional basis. It replaces actual evidence of racial motivation with a judicial presumption and, hence, is an aberration inconsistent with the Fourteenth Amendment.

The laws at issue in *Hunter* and *Seattle* were both facially neutral. Yet, in each case, the Supreme Court held that strict scrutiny applied without any need for the respective plaintiffs to show that the laws were enacted as a result of discriminatory intent or were inexplicable on grounds other than race. . . . These decisions are justifiably characterized as "jurisprudential enigmas that seem to lack any coherent relationship to constitutional doctrine as a whole." Moreover, as first noted by Justice Powell, the political structure doctrine unconstitutionally suspends our normal and necessary democratic process by prohibiting change when a lower level of state government has acted in a way that arguably benefits racial minorities. . . .

. . . . [B]y conventional equal protection standards, Proposal 2 passes constitutional muster. "A law that prohibits the State from classifying individuals by race or gender a fortiori does not classify individuals by race or gender." In my view, racial discrimination and racial preference are synonymous. In the realm of a finite number of classroom seats, the preference given one person based upon his race is the discrimination inflicted upon another based upon his. Discrimination on the basis of race is racial discrimination, whether it is euphemistically called a "preference" or something else.

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