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Lutheran Church-Missouri Synod v. FCC: *The End of Judicial Deference to FCC  
Policymaking in the Affirmative Action Debate*

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Abstract by Christine Parsadaian

This note examines the implications of *Lutheran Church-Missouri Synod v. FCC* on federal affirmative action programs where the court found the FCC's Equal Employment Opportunity and affirmative action programs to be unconstitutional. First, the author examines the history of the FCC's Equal Protection policy and follows by explaining the court's analysis of this policy. Applying *Adarand*, the author explains that the Court found the FCC's regulations did not meet the requisite strict scrutiny standard.

Next, the author notes that prior to *Adarand* courts gave federal agencies broad discretionary powers. Specifically, the author looks at the evolution of agency discretion by examining a few key court holdings from *Chevron* to *Lutheran*. Following, the note addresses the many ramifications of *Lutheran* on federal agencies and how the FCC initially fought back and then agreed not to appeal to the Supreme Court. In short, the author concludes that *Lutheran* ended the legacy of agency deference because agencies could no longer enforce affirmative action policies that infringed upon constitutional principles.