

Case Study 1: **Regents of the University of California v. Bakke**

In 1973 and 1974, Allan Bakke, a white applicant, was rejected for admission to the medical school at the University of California. The university had maintained two admissions programs, including a special one that admitted some African Americans, Chicanos, Asians and American Indians but no whites. It had established a quota of a minimum of 16 students of color for the 100-student medical school. Bakke sued, claiming that he was denied admission in favor of less qualified students of color.

In 1978 the US Supreme Court, with Justice Lewis Powell writing a decision for the 5-4 majority, ruled against the university's racial quota system and for Bakke. The court declared that "racial and ethnic classifications of any sort are inherently suspect and call for the most exacting judicial scrutiny." The court argued that "the goal of achieving a diverse student body is sufficiently compelling to justify consideration of race in admissions decisions under some circumstances." However, the court said, a special admissions program is unnecessary for achieving this goal and was therefore invalid under the equal protection clause of the 14th Amendment. That amendment states, in part, "No state...shall deny to any person within its jurisdiction the equal protection of the law." Bakke was then admitted to the medical school at the University of California at Davis.

Discuss each question as a group, then individually write down your answer.

1. Why might the Court have regarded the racial quota system "inherently suspect" at the University of California at Davis?
2. Why do you suppose that it viewed "the goal of achieving a diverse student body as compelling"?
3. What do you suppose it meant by stating that "consideration of race in admissions decisions under some circumstances" was justified?
4. What kinds of "circumstances" might the Court have had in mind?

Case Study 2: Hopwood v. University of Texas Law School

In 1992, Cheryl Hopwood and three other white applicants were denied admission to the University of Texas Law School despite having better qualifications than some people of color who were admitted under an affirmative action program. A 10-7 majority of the Fifth Circuit Court of Appeals ruled that the university's interest in having a diverse student body was not a sufficient "compelling interest to support the use of race as a factor in admissions." The majority outlawed any preference based on race. The US Supreme Court declined to rule on the case because the affirmative action program at issue was no longer in force at the university.

Discuss each question as a group, then individually write down your answer.

5. Why do you suppose that the Court of Appeals ruled that the university's interest in having a diverse student body was not a sufficient "compelling interest to support the use of race as a factor in admissions"?
6. In what ways are the two cases and the Courts' decisions on them similar? How are they different?
7. Consider the differences between the two decisions. Which do you prefer? Why?