*University of California v. Bakke* Background Summary & Questions (•••)

In the early 1970s, the medical school of the University of California at Davis devised a dual admissions program to increase representation of "disadvantaged" students. Under the regular admissions procedure, a screening process was used to evaluate candidates for further consideration. Candidates whose overall undergraduate grade point averages fell below 2.5 on a scale of 4.0 were automatically rejected. Of the remaining candidates, some were selected for interviews. Following an interview, the admissions committee rated candidates who survived the screening process on a scale of 1 to 100. The rating considered the interviewer's evaluation, the candidate's overall and science grade point averages, scores on the Medical College Admissions Test (MCAT), letters of recommendation, extracurricular activities, and other biographical data. The ratings were added together to arrive at each candidate's "benchmark score."

On the application form, candidates could indicate that they were members of a "minority group," which the medical school designated as "Blacks," "Chicanos," "American Indians," or "Asians." Candidates could also choose to be considered "economically and/or educationally disadvantaged." The applications of those who did so were sent to the special admissions committee, where applications were screened to determine whether the candidate met the criteria established for disadvantaged and minority groups. These applicants did not have to meet the 2.5 grade point average cut off used in the regular program, nor were the candidates in the special admissions program compared to the candidates in the regular admissions program. Of the 100 spots in the medical school, 16 spaces were set aside for this program.

From 1971 to 1974 the special program resulted in the admission of 21 black students, 30 Mexican Americans, and 12 Asians, for a total of 63 minority students.\* During the same period, the regular admissions program admitted 1 black student, 6 Mexican Americans, and 37 Asians, for a total of 44 minority students. No disadvantaged white candidates received admission through the special program.

Allan Bakke was a white male who applied to and was rejected from the regular admissions program in 1973 and 1974. During those same years, minority applicants with lower grade point averages, MCAT scores, and benchmark scores were admitted to the medical school under the special program.

After his second rejection, Bakke filed suit in the Superior Court of Yolo County, California. He sought to compel the University of California at Davis to admit him to the medical school. He also alleged that the special admissions program violated the Equal Protection Clause of the Fourteenth Amendment and Title VI of the *Civil Rights Act of 1964* because it excluded him on the basis of race.

The university argued that their system of admission preferences served several important purposes. It helped counter the effects of discrimination in society. Since historically, minors were discriminated against in medical school admissions and in the medical profession, their special admission program could help reverse that. The university also said that the special program increased the number of physicians who practice in underserved communities. Finally, the university reasoned that there are educational benefits to all students when the student body is ethnically and racially diverse.

The Superior Court of Yolo County, California found that the special admissions program did violate the federal and state constitutions, as well as Title VI, and was therefore illegal. The Court declared that race could not be taken into account when making admissions decisions. However the Court also ruled that Bakke should not be admitted to the medical school because he failed to show that he would have been admitted in the absence of the special admissions program.

The University of California appealed the case to the Supreme Court of California, which also declared the special admissions policy unconstitutional. Furthermore, the Supreme Court of California determined that Bakke should be admitted to the school because the University failed to demonstrate that Bakke would not have been admitted without the special admissions program.

The Regents of the University of California then appealed the case to the Supreme Court of the United States.

***\* Note:*** *These were the racial classifications used by the University of California at Davis at the time.*

1. What three important purposes did the University of California say considering race as a factor in the admissions process served?

2. Do you find those interests convincing? Explain.

3. Did the lower court**s** find those interests convincing? Explain.



College acceptance is often not based solely on merit-grades, extracurricular activities, and ACT scores. There are many preferences given to some applicants that others do not receive including each of the above. Is the cartoonist right that we ignore those other preferences and only seemingly care about racial preferences? Are affirmative action programs a reasonable distinction-similar to the other distinctions in the cartoon- between classes of citizens that serve a legitimate governmental purpose?  
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**Assume that African Americans, Hispanics, and Native Americans make up 30% of the high school students in a state but only 12% of the undergraduates enrolled in that state’s public universities. Is that state violating the Fourteenth Amendment’s equal protection rights of those minorities?**

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**How do we make the system “Fair” and provide “opportunity” to those disadvantaged and not just those that are privileged to achieve the “American Dream? What does “Equality” mean? Read each of the following and choose which best represents your view on the appropriate governmental course of action and explain your decision.**

Choice #1: Prohibiting Discrimination, Enforcing the Laws. Our public commitment is to uphold the principle of equality under the law, for people of ALL races. The government’s obligation is to make sure the rules of the game are the same for everyone. BUT equality of opportunity does not necessarily lead to equal results.

Choice #2: Affirmative Action Strategy: Taking Race into Consideration. Equal opportunity is not enough. Government must take measures to ensure equal RESULTS, even if affirmative action benefits minority groups at the expense of others. Racial equality can be achieved ONLY by allowing preferences for groups that have suffered from discrimination.

Choice #3: Ladder Out of Poverty: Helping the Poor, Closing the racial Gap. Because the obstacles to equality today are chiefly economic, race-specific remedies are no longer the most promising. Poverty MUST be attacked at its roots with aggressive social welfare programs that will help ALL low-income people, even if such programs are costly.

Choice #4: Ensuring Equality Regardless of Place: Because roughly 50% of education funding is based on local taxes (mostly property taxes), there are great disparities in educational funding (based on the taxable value of property). Those that live in low value areas (regardless of socioeconomic or racial makeup) are at a disadvantage. Inequalities are based on place not race and/socioeconomics (poor or wealthy, white or minority in Sidney versus Detroit) and can only be fixed by ensuring the same equitable educational funding creating a level playing field.

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