

UNIVERSITY OF CALIFORNIA REGENTS V. BAKKE (1978)

FACTS

Allan Bakke, a white male, applied to the University of California at Davis Medical School. He was denied admission because he did not meet the standard entrance requirements. Davis Medical School also had a special admissions program for minorities. Sixteen per cent of the available places were reserved for minorities who did not meet the standard entrance requirements. Bakke argued that the requirements for special admissions to the medical school were discriminatory because only African-American, Chicano, and Asian students could compete for these places. The University of California argued that its special admissions program remedied the long standing historical wrong of racial discrimination.

CONSTITUTIONAL ISSUE

Whether the University's special admissions program, which accepted minority students with significantly lower scores than Bakke, violated Bakke's Fourteenth Amendment equal protection rights; and whether the University was permitted to take race into account as a factor in its future admissions decisions.

OPINION

The Supreme Court of the United States did not render a majority opinion in this case (i.e., one in which five or more of the nine justices agree). Six separate opinions were written, and no more than four justices agreed in whole in their reasoning. The Court ordered Bakke's admission to Davis Medical School and invalidated the University's special admissions program because the program barred people like Bakke from applying for the special admissions seats in the medical school. However, of much greater significance was the fact that the Court allowed institutions of higher learning to take race into account as a factor in their future admissions decisions. Justices Brennan, White, Marshall, and Blackman said that this aspect was the central meaning of the case: "Government may take race into account when it acts not to insult any racial group but to remedy disadvantages cast on minorities by past racial prejudice."

[While to some observers Bakke won a place in the school and the particular special admissions program at Davis was invalidated, the case really stands as a landmark civil rights-affirmative action decision. Race may hereafter be taken into account as a factor in college admissions.]

Questions

- 1) What constitutional right did Bakke feel were violated by USC's admissions program?
- 2) In what way did the court side with Bakke?
- 3) How could this case also be seen as a victory for the same affirmative action programs that Bakke argued against?