

Regents of UC v. Bakke / Background ••

Beginning in the early 1970s, the University of California Davis School of Medicine (UC Davis) used two admissions programs to select the 100 students entering each year: a regular admissions program and a special admissions program. The purpose of the special program was to increase the number of “minority” and “disadvantaged” students in the class. Sixteen spots were reserved for qualified “minority” and “disadvantaged” students and filled through the special admissions program.

Under the regular admissions program, if a candidate had an overall undergraduate grade point average below 2.5 on a scale of 4.0, the candidate was automatically rejected. Candidates who were not automatically rejected were evaluated using other criteria such as math and science grades, Medical College Admissions Test (MCAT) scores, letters of recommendation, and an interview.

On the application form, candidates could indicate that they were members of a “minority” group and if they wanted to be considered economically and/or educationally “disadvantaged.” The applications of those who indicated they belonged to one of these groups were sent to the special admissions program and evaluated by a separate committee. The applicants in the special admissions program did not have to meet the same standards as the regular candidates, including the 2.5 grade point average cut off.

From 1971 to 1974, the special program resulted in the admission of 21 Black students, 30 Mexican American students, and 12 Asian American students, for a total of 63 students who were racial minorities.¹ During the same period, the regular admissions program admitted one Black student, six Mexican American students, and 37 Asian American students for a total of 44 students of color. No “disadvantaged” White candidates received admission through the special program.

Allan Bakke was a White person who applied to and was rejected from the regular admissions program in 1973 and 1974. During those years, applicants with lower scores than Bakke were admitted under the special program. After his second rejection, Bakke filed suit in the Superior Court of Yolo County, California. He claimed that the special admissions program violated the Equal Protection Clause of the 14th Amendment and Title VI of the Civil Rights Act of 1964 because it excluded him on the basis of race. He wanted the court to force UC Davis to admit him to the medical school.

The university argued that their system of admission served several important purposes. It helped counter the effects of discrimination in society. The special admissions program could help reverse the history of discrimination faced by racial minorities in medical school admissions

¹ These were the racial classifications used by the University of California at the time.

and in the medical profession. 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 racially and socio-economically diverse.

The Superior Court of Yolo County, California, and the Supreme Court of California both found that the special admissions program violated the federal and state constitutions, as well as Title VI of the Civil Rights Act of 1964. The Superior Court declared that race could not be taken into account when making admissions decisions but also ruled that Bakke should not be admitted to the medical school because he failed to show that he would have been admitted even without the special admissions program. The Supreme Court of California, however, determined that Bakke should be admitted to the school.

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

Questions to Consider

1. Why would a college or university want to consider race as a factor in the admissions process? Do you think it is appropriate for a college or university to do so? Why or why not?
2. Both the California Superior and California Supreme Courts agreed on what two facts in their *Bakke* rulings?
3. Do you agree with the lower courts' decisions? Why or why not?