

Regents of UC v. Bakke / Background ●●

In the early 1970s, the University of California Davis School of Medicine (UC Davis) devised a dual admissions program to increase representation of racial minorities and “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.”¹ Candidates could also choose to be considered economically and/or educationally “disadvantaged.” The applications of those who indicated they were members of one these groups or were “disadvantaged” were sent to a 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 Asian students, for a total of 63 students who were racial minorities. During the same period, the regular admissions program admitted one Black student, six Mexican Americans, and 37 Asian 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 same years, applicants who were racial minorities with lower grade point averages, MCAT scores, and benchmark scores than Bakke were admitted to the medical school under the special admissions program.

After his second rejection, Bakke filed suit in the Superior Court of Yolo County, California. He sought to compel UC Davis to admit him to the medical school. He alleged that the special

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

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.

The university argued that their system of admission preferences 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 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, found that the special admissions program violated the United States and California 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. 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.

Questions to Consider

1. Why might 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. On what point did both the California Superior and California Supreme Courts agree in their *Bakke* rulings?
3. Do you agree with the lower courts' decisions? Why or why not?