

***Regents of UC v. Bakke* / Summary of Decision**

Five members of the Court voted to require the University of California, Davis (UC Davis) to admit Bakke to its medical school. Justice Powell wrote an opinion in two parts, each of which received the votes of four other justices. The Court determined that any racial quota system in a state-supported university violated both the Civil Rights Act of 1964 and the Equal Protection clause of the 14th Amendment. Justices Burger, Stewart, Rehnquist, and Stevens joined this part of Powell's opinion. The Court also ruled that the use of race as one of several criteria in admissions decisions did not violate either the Civil Rights Act or the 14th Amendment. Justices Brennan, Marshall, Blackmun, and White joined this part of Powell's opinion.

In the first part of the opinion, Justice Powell reasoned that admissions programs that rely on a quota system, in which a specified percentage of spaces in the class is reserved for a particular racial or ethnic group, were always unconstitutional, regardless of the justifications offered for them. Because a certain number of seats were reserved for applicants of a particular racial group, applicants not within that group could not compete for those seats, no matter how qualified they were. Justice Powell declared that "preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake. This the Constitution forbids." The specific admissions system used by the University of California was determined to be unconstitutional because it used racial quotas.

Justice Powell further concluded that even though admissions systems relying solely on racial quotas violate the Constitution, the Constitution does not prohibit any consideration of race in admissions decisions. He acknowledged that a state may have legitimate interests in considering the race of an applicant during the admissions process. These interests included increasing the racial diversity of the student body to increase the proportion of people of color in medical schools and in medical professions, to "counter the effects of societal discrimination," to "increase the number of physicians who will practice in communities currently underserved," and to "obtain the educational benefits that flow from an ethnically diverse student body."

In order to use race as an element in making admissions decisions, a state university must be able to justify the use under the standard of strict scrutiny. This means that admissions programs that consider race must be narrowly tailored to advance a compelling government interest in order to be constitutional.

The Court found that the University of California's admissions policy was not narrowly tailored to a compelling government interest. Basing admissions decisions solely on race, as in UC Davis' quota system, was not an effective way of furthering their interest in a diverse student body. The majority opinion said "the diversity that furthers a compelling state interest encompasses a far broader array of qualifications and characteristics of which racial or ethnic origin is but a single ... element." Other elements include "exceptional personal talents, unique work or service

experience, leadership potential, maturity, demonstrated compassion, [and] a history of overcoming disadvantage,” among others. Race can only be considered a “plus factor” in a particular applicant’s file, along with these other factors. Only then would an admissions program be deemed narrowly tailored to the compelling state interest of achieving diversity in the admitted class.

Because UC Davis’ admissions program relied solely on racial quotas, a majority of the Court ruled that it violated both the Civil Rights Act of 1964 and the Equal Protection Clause of the 14th Amendment. A majority of the Court also agreed, however, that race could be considered in admissions decisions, but only as a “plus factor” among other factors, rather than as the determinative element. The Court thus ruled that Bakke must be admitted to medical school at UC Davis.