

Regents of UC v. Bakke

Regents of the University of California v. Bakke (1978)

Opinion: Powell

Concurring/Dissents: Brennan, White, Marshall, Blackmun, Stevens

Basic Info:

-UC-Davis med school granted exemptions for disadvantaged students (16 slots)

-84 slots were left for all others (disadvantaged can still compete)

Question:

-Statutory claim- violates article 6 of the Civil Rights Act

-Constitutional claim- infringement of the Equal Protection Clause of the 14th Amendment

Powell: Bakke gets in. Strikes down quotas, but race can still be allowed as a determinant (like Harvard's system).

Burger/Stewart/Rehnquist/Stevens: UC policy violates title 6 of the statute. Therefore they don't get into the Constitutional EPC claim.

Brennan/White/Marshall/Blackmun: Bakke doesn't get in, race should be allowed as a determinant.

Significance: Lower courts tend to follow Powell. O'Connor uses Powell as precedent in the Michigan cases.

Powell Quote: "The freedom of a university to make its own judgments as to education includes the selection of its student body. The right to select those students who will contribute the most to the "robust exchange of ideas"...invokes a countervailing constitutional interest, that of the first amendment"

Brennan Quote: "A state government may adopt race-conscious programs if the purpose of such programs is to remove the disparate racial impact its actions might have otherwise have and if there is reason to believe that the disparate impact is itself the product of past discrimination, whether its own or of the society at large"