Student Handout

Michigan

**The Questions Before the U.S. Supreme Court:**

Does the University of Michigan’s use of racial preferences violate the 14th Amendment?

**To Prepare for the Case...**

**Attorneys for Gratz (Students):** Create arguments to convince the justices that the admission policy is not fair to Gratz and Hamacher or other students who are not African-American, Hispanic, or Native American

**Attorneys for Bollinger (University):** Create arguments to convince the court that the admissions system is fair and necessary to provide a diverse student population.

**Justices of the U.S. Supreme Court:** Create at least three questions to ask each side to help you determine whether the University admission policy violates the 14th Amendment.

**Rules for the Oral Argument**

1. Attorneys representing the students appealed the case to the Supreme Court, they are *appellants*. They will present first.
2. Attorneys representing the university are responding to the appeal, they are *respondents*. They will present second.
3. Justices will ask questions of both sides during the arguments.
4. After hearing both sides, justices deliberate out loud. Attorneys listen but do not interrupt.

* Justices, deliberate by discussing the arguments you heard. Share with each other the most persuasive and least persuasive arguments you heard.
* Justices, provide reasons why you thought arguments were most persuasive or least persuasive.
* After deliberating, vote whether your court rules in favor of the students or in favor of the University.

**The Arguments of Gratz (Appellant)**

Attorneys representing the students argued the university’s undergraduate admission policy did violate the 14th Amendment. To support their position they argued:

1. In Bakke, the court decided that schools cannot accept or deny students based only on race or ethnicity. Everyone has to have an equal chance at getting in.
2. In the Michigan Law school case, every qualified applicant is judged on an individual basis with race or ethnicity being one of many factors considered a plus. But in the university’s undergraduate admissions program, minority students were more competitive because they got extra points. This is important because students are admitted to the university based on a mathematical system.
3. Some applicants were not as competitive as others based on the extra points minority students were given.
4. Gratz was denied the opportunity to compete for admissions on an equal basis.
5. Therefore the university’s admissions policy violated Gratz’s rights under the 14th Amendment.

**The Arguments of Bollinger (Respondent):**

Attorneys representing the University of Michigan undergraduate program argued the university’s admission policy did not violate Gratz’s 14th Amendment Rights. To support their position they argued:

1. Under Bakke, the university has a right to ensure that its student body is diverse. It is important to the quality of education for all students.
2. In the Michigan Law school case, the court allowed race and ethnicity to be considered a factor in granting admission to the law school.
3. The university’s undergraduate admissions system makes it fairer for all students to have a chance to attend this school, even those who did not have the same opportunities earlier in life and in high school as others.
4. Though the system gives points to certain racial and ethnic groups, it also gives the same amount of points to athletes, or disadvantaged students.
5. Therefore the University’s admission policy did not violate Gratz’s 14th Amendment Rights.

**14th Amendment**

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.