**Regents of the University of California v. Bakke**

**Regents of the University of California v. Bakke,** case decided in 1978 by the U.S. Supreme Court. The Court held in a closely divided decision that race could be one of the factors considered in choosing a diverse student body in university admissions decisions.

The Court also held, however, that the use of quotas in such [affirmative action](http://www.infoplease.com/ce6/society/A0802658.html) programs was not permissible; thus the Univ. of California, Davis, medical school had, by maintaining a 16% minority quota, discriminated against **Allan Bakke,** 1940–, a white applicant.

The legal implications of the decision were clouded by the Court's division. Bakke had twice been rejected by the medical school, even though he had a higher grade point average than a number of minority candidates who were admitted. As a result of the decision, Bakke was admitted to the medical school and graduated in 1982.

**Facts of the Case:**

Allan Bakke, a thirty-five-year-old white man, had twice applied for admission to the University of California Medical School at Davis. He was rejected both times. The school reserved sixteen places in each entering class of one hundred for "qualified" minorities, as part of the university's affirmative action program, in an effort to redress longstanding, unfair minority exclusions from the medical profession. Bakke's qualifications (college GPA and test scores) exceeded those of any of the minority students admitted in the two years Bakke's applications were rejected. Bakke contended, first in the California courts, then in the Supreme Court, that he was excluded from admission solely on the basis of race.

**Question**

Did the University of California violate the Fourteenth Amendment's equal protection clause, and the Civil Rights Act of 1964, by practicing an affirmative action policy that resulted in the repeated rejection of Bakke's application for admission to its medical school?

**Argument:**

***\*\* For those who wish to hear the ruling, click on the two items below and you will be taken to the Bakke announcement and/or the oral argument.***

[**Regents of the University of California v. Bakke - Oral Argument**](http://www.oyez.org/cases/1970-1979/1977/1977_76_811/argument)

[**Regents of the University of California v. Bakke - Opinion Announcement**](http://www.oyez.org/cases/1970-1979/1977/1977_76_811/opinion)

**Conclusion:**

**Decision:** 5 votes for Bakke, 4 vote(s) against

**Legal provision:** Equal Protection

**Split Vote:**

No and yes. There was no single majority opinion. Four of the justices contended that any racial quota system supported by government violated the Civil Rights Act of 1964. Justice Lewis F. Powell, Jr., agreed, casting the deciding vote ordering the medical school to admit Bakke. However, in his opinion, Powell argued that the rigid use of racial quotas as employed at the school violated the equal protection clause of the Fourteenth Amendment. The remaining four justices held that the use of race as a criterion in admissions decisions in higher education was constitutionally permissible. Powell joined that opinion as well, contending that the use of race was permissible as one of several admission criteria. So, the Court managed to minimize white opposition to the goal of equality (by finding for Bakke) while extending gains for racial minorities through affirmative action.