BAKKE CASE

Regents of the University of California v. Bakke, 438 U.S. 265 (1978) was a landmark decision of the Supreme Court of the United States on affirmative action. It bars quota systems in college admissions but affirms the constitutionality of affirmative action programs.

Allan Bakke, a white male, applied to University of California, Davis School of Medicine in 1973 and 1974, but was rejected in both years, although "special applicants" were admitted with significantly lower academic scores than Bakke's. These special applicants were admitted under provisions either for members of a "minority groups" such as (Blacks or Hispanics, or as "economically and/or educationally disadvantaged" - but although many disadvantaged Caucasians had applied under this second provision, none had been successful.

After his second rejection, Bakke filed an action in state court for mandatory, injunctive, and declaratory relief to compel his admission to Davis, alleging that the special admissions program operated to exclude him on the basis of his race in violation of the Equal Protection Clause of the Fourteenth Amendment

The court ruled in Bakke's favor on June 23, 1978 but the decision was split 5-4.

Principles:

1) Rejecting "quotas" (as unconstitutional), but allowing race to be one "factor" in college admissions to meet the compelling interest of diversity.
2) quotas insulated minority applicants from competition with the regular applicants and were thus unconstitutional because they discriminated against non-minority applicants
3) concluded that the special admissions program was not the least intrusive means of achieving the goals of the admittedly compelling state interests of integrating the medical facility.
4) Race is a “factor” a constitutionally valid affirmative action program which took into account all of an applicant's qualities including race in a "holistic review".