Newly compelling or reexamining judicial construction of juries

Law

The court was of the opinion that the equal protection clause does not prohibit the use of race in admission decisions to obtain education benefits from diversity.

Barbara Grutter, a white Michigan resident, applied to the Law School in 1996 but was denied admission despite having the requisite scores, 3. 8 GPA and 161 LSAT score. She filed suit against the Law School, in which respondents racially discriminated against her in violation of the Fourteenth Amendment. The district court held that the Law Schools' racial considerations were unlawful because the interest in diversity was not compelling and, even if it were, the policy " had not narrowly tailored its use of race to further that interest." Also, the district court granted Grutters requests for relief. The United States Court of Appeals for the Sixth Circuit vacated the injunction and reversed. The appellate court held that the " use of race was narrowly tailored because the race was merely a potential plus factor" and the policy was consistent with Justice Powell's opinion in Regents of the University of California v. Bakke. The Supreme Court of the United States granted certiorari and affirmed the appellate decision.

Chief Justice Rehnquist, Justice Kennedy, Justice Scalia, and Justice Thomas, all dissent with the argument that the system at the university was unconstitutional, thinly veiled and against the fourth amendment act. As stated by Chief Justice Rehnquist the percentage of African American applicants closely mirrored the percentage of African American applicants that were accepted.

The concern of Powell for individual consideration, which the Court adopted in Grutter’s case, is ironical with an argument against minority preference.

Those opposed to minority preference maintain that American society has traditionally been extremely meritocratic, focusing on individual merit and the true potential of applicants. Also, since all races must be considered to be equal, theoretically have an equal chance to succeed. Moreover, by allowing an applicant to receive credit, so to speak, for the mere happenstance of her parent's race or ethnicity contradicts the meritocratic American tradition and encourages the abandonment of notions of racial equality.

In conclusion, Public institutions of higher learning are entitled to use narrowly tailored means to admit a " critical mass" of minority members in order to achieve a diverse student body so long as a certain amount of class seats is not reserved for minorities, race is not determinative but merely a potential " plus" factor, and applicants remain to be considered as individuals. The practical effect of the Courts holding in Grutter v. Bollinger that, subject to vague and indistinguishable limitations, a university may maintain high admissions standards and grant exemptions to certain races, is essentially the same as permitting low admissions standards but requiring higher standards for only certain races.