"A Timeline of Key Supreme Court Cases on Affirmative Action" - *The New York Times,* March 30, 2019

By Margaret Kramer

The United States Supreme Court has weighed in on affirmative action in college admissions several times, helping shape the policy through the decades. Here are some of the key cases:

DECIDED ON APRIL 23, 1974

Marco DeFunis Jr. v. Odegaard

Marco DeFunis, a white man, argued that he was denied admission to the University of Washington Law School because the school had prioritized admitting minority students who were less qualified, saying that this violated the Fourteenth Amendment's equal protection clause. He sued a state education official as well as the school's admissions committee, and successfully gained admission to the school.

By the time the United States Supreme Court considered the case, DeFunis was already in his last year of law school and the court ruled that the case was moot. Though the court chose not to address the issues within the case, it was the first case heard on affirmative action since the policy was established in the 1960s.

DECIDED ON JUNE 26, 1978

Regents of the University of California v. Bakke

Alan Bakke was rejected twice from the medical school at the University of California, Davis. Mr. Bakke, who is white, argued that the school's affirmative action policy to reserve 16 out of 100 spots for qualified minority students violated the equal protection clause as well as the Civil Rights Act of 1964.

The Supreme Court ruled that the racial quota system used by the university did violate the Civil Rights Act and that Mr. Bakke should be admitted. But Justice Lewis F. Powell acknowledged in his opinion that a state had legitimate interests in considering the race of applicants, and that a diverse student body could provide compelling educational benefits. The case established the court's position on affirmative action for decades. A state university had to meet a standard of judicial review known as strict scrutiny: Race could be a narrowly tailored factor in admissions policies. Racial quotas, however, went too far.

DECIDED ON JUNE 23, 2003

Grutter v. Bollinger

Barbara Grutter, a white woman who was denied admission to the University of Michigan Law School, said that the school had used race as a predominant factor for admitting students. When the case reached the Supreme Court, a 5-4 opinion led by Justice Sandra Day O'Connor upheld the Bakke decision. The Court ruled that each admissions decision is based on multiple factors, and that the school could fairly use race as one of them. The case reaffirmed the court's position that diversity on campus is a compelling state interest.

DECIDED ON JUNE 23, 2003

Gratz v. Bollinger

Though decided on the same day and focused on the same university, the Gratz case and Grutter case had different outcomes.

Jennifer Gratz and Patrick Hamacher, both white, were denied admission to the University of Michigan. They argued that a point system in use by the admissions office beginning in 1998 was unconstitutional. Students who were part of an underrepresented minority group automatically received 20 points in a system that required 100 points for admittance, which meant that nearly every applicant of an underrepresented minority group was admitted.

In a 6-3 opinion led by Justice William H. Rehnquist, the Supreme Court ruled that the point system did not meet the standards of strict scrutiny established in previous cases. The Grutter and Gratz cases provided a blueprint for how schools could use race as a factor in admissions policies.

DECIDED ON JUNE 23, 2016

Fisher v. University of Texas (Two Cases)

Abigail Fisher, a white woman who was rejected from the University of Texas, said that the school's two-part admissions system, which takes race into consideration, is unconstitutional. The university first admits roughly the top 10 percent of every in-state graduating high school class, a policy known as the Top Ten Percent Plan, and then reviews several factors, including race, to fill the remaining spots.

Upon a second review of the case by the Supreme Court, a 4-3 opinion led by Justice Anthony M. Kennedy ruled that the university's policy met the standard of strict scrutiny, and that a school should be given reasonable leeway in its review process if it has considered other ways to create diversity.