

**AFFIRMATIVE
ACTION AND
THE SUPREME
COURT**



**PHIL 102
Ethics, Politics, & Law
Dr. Jeff Johnson
Spring Quarter 2007**

***BAKKE v.
REGENTS U
OF CAL***



- U C Davis medical school
- Davis' "set aside" program
- Alan Bakke
- Title VI Civil Rights Act of 1964
- Equal Protection Clause

THE CONSERVATIVES IN 1978



THE LIBERALS IN 1978



Brennan
(Courtesy of the U.S. Supreme Court)



THE SWING VOTE IN 1978



THE OPINION



- **Odd alliances**
 - Stevens, Burger, Rehnquist, Stewart
 - Brennan, Marshall, Blackmun, White
- **Powell's opinion**
- **Not a violation of Civil Rights Act of 1964**
- **Quota system violates Equal Protection**
- **Other forms of affirmative action do not**

GRUTTER v. BOLLINGER

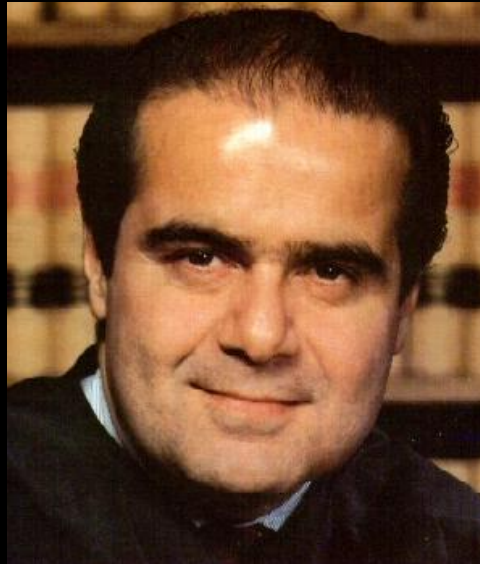


- **Post-*Bakke* controversy over affirmative action**
- **Recent cases**
- **Jennifer Gratz**
- **Barbara Grutter**
- **University of Michigan's programs**

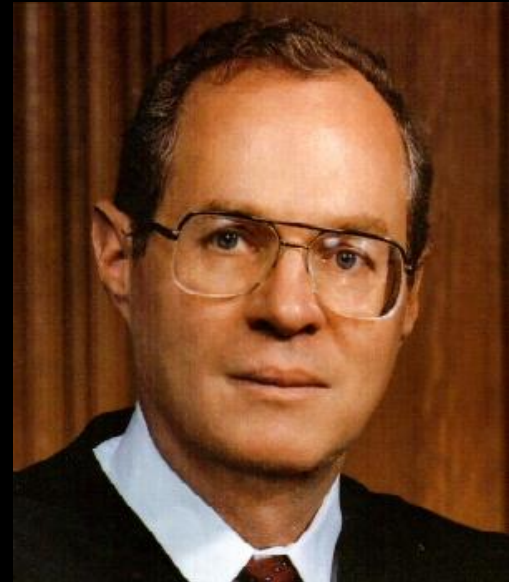
“LIBERALS”



CONSERVATIVES



“MODERATES”



THE OPINION



- **Justice O'Connor**
- **The undergraduate point system violates Equal Protection**
- **The Law School method does not**
- **Affirmative Action is still constitutional**
- **This surprising Supreme Court**