ssNo. 21-707

In the

Supreme Court of the United States

STUDENTS FOR FAIR ADMISSIONS, INC.,
Petitioner,

v.

UNIVERSITY OF NORTH CAROLINA, et al.,
Respondents.

On Writ of Certiorari to the U.S. Court of Appeals for the Fourth Circuit

BRIEF FOR PETITIONER

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QUESTIONS PRESENTED

Should this Court overrule *Grutter v. Bollinger*, 539 U.S. 306 (2003), and hold that institutions of higher education cannot use race as a factor in admissions?

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SUMMARY OF ARGUMENT

Affirmative action is discrimative and immoral. The concept of affirmative action was to help minorities not being represented in colleges and to help gain equal rights and admissions.

The courts decision to overrule Grutter V Bollinger had a big impact on the admission system throughout the country.

When affirmative action was decided to be used, it was very helpful to the minorites in need. But now, here in the present, affirmative action hurts these minorites more than it's helping them.

ARGUMENT

I. Tatum's Argument

The Equal Protection Clause under the 14th amendment does prohibit race-conscious affirmative action. The 14th amendment states that no citizen shall have privileges above or below other citizens. Affirmative action is giving accommodations to minorities rather than all minorities. The legislation in the 1860s and 1870s passed a bill that guaranteed all citizens, regardless of color, access to accommodations.

The original intent of affirmative action was to bring minority students equal in college admissions. When the framers of the 14th amendment made this, they could have argued that other minorities like Asians, Native Americans, and Hispanics should receive the same accommodations. And they wrote the amendment to help receive equal protection.

The courts should get rid of affirmative action in schools. The reasoning is that race-based admissions create competitiveness between races. The box on the admissions page gives the school a choice. For example, if a white and black student checked the box for race, the school has a diversity quota to fulfill, maintain diversity, and help the minority. But this would not be entirely fair. The other student would not be seen as equal because of the race quota.

The framers of the 14th amendment wrote the amendment to give equal rights and protection to everyone. But want about people with different sexual

orientations and gender identities? Did the framers make affirmative action to be that way? Do sexual orientation and gender identities affect how students get into college?

In Brown v. Board of Education, African American students had been denied acceptance to certain public schools based on laws allowing public education to be segregated by race. And it was argued such segregation violated the Equal Protection secured by the Fourteenth Amendment. And it did violate the amendment.

I think Racial preferences are immoral and discriminative in deciding who gets accepted into a particular school. should be very limited and specific to the point where the school does not recognize the color of the person, but only if the student gives race in the admission essay. While at the same time keeping diversity within the school. Because getting in should be equal and given the same standards to every applicant no matter race. While on the topic of racial preferences I think racial bias may be gone in the near future. Because the future that we want that the US has been saying we have is not true. Not while affirmative action is being used. With affirmative action in play, not everyone is equal.

Grutter V Bollinger should be overruled because the use of race-based admission is not equal. Instead, schools need to find a way to create diversity within the schools without the box. Because of the use of race in admissions, the Equal Protection Clause does not prohibit the Law school's narrowly tailored use of race in admissions decisions to further a compelling interest in

obtaining the educational benefits that flow from a diverse student body. One thing I found was that Grutter was denied the policies be overruled because "the Law School uses race as a ''predominant" factor, giving applicants who belong to certain minority groups "a significantly greater chance of admission than students with similar credentials from disfavored racial groups." During the more recent Supreme court discussion in Dobbs V Jackson it talked about the abortion rights it was stated "all pre viability prohibitions on elective abortions are unconstitutional." but the way this could relate to the same thing is that the way it was handled, and how the discussions were said were roughly in a similar like when it was stated in Grutter V Bollinger "Before this Court, as they have throughout this litigation, respondents assert only one justification for their use of race in the admissions process: obtaining "the educational benefits that flow from a diverse student body." Brief for Respondents Bollinger et al. i. In other words, the Law School asks us to recognize, in the context of higher education, a compelling state interest in student body diversity." Back then when minorities were being discriminated against, affirmative action was needed and was used to help those minorities. But now in the present, affirmative action is doing the opposite of what it was made to do and hurting students rather than helping them.

I think that if the court got rid of the policies it would be a major change. Because the students were denied because of the box and race-based quota, those students

could have a fair chance in admissions. But instead, the Court failed to consider the inherent, undeniable, and well-known costs of race-based discrimination, and uphold the policies hurting students. Treating individuals differently based on their race is destructive and immoral to a democratic society based on the principle that everyone is equal under the Constitution. Further, it dehumanizes and stereotypes individuals, by requiring them to act as an embodiment of their race. And perhaps worst of all, by mismatching students with institutions where they are not prepared to compete, universities are seriously harming the very students that they are attempting to benefit through their discriminatory policies. These policies that they think are helping students are hurting them. In my opinion, the US Military would not have difficulties recruiting diverse armed services. But I think the Grutter case would have had as much value on that subject if it is overruled. I find the diversity in the system interesting and it would be different to see if this does turn out, to see what opinions do matter, how far can you test the limits of a school entry system to be “unfair” and to see if some parts should stay the same or be changed greatly. If you haven't seen it, students and parents are marching for fair admissions. This country was made for the people and made by the people. How is it a free country if the people do get what they fight for? Overall the courts need to do the right thing and do what the people want and what the people need.

II. Equal admissions

In the case Brown v. Board of Education each case, talks about how Hispanic and African Americans have more chances to be admitted to college because of their race. I believe that the court should not allow racial preferences, because race should not be based on admissions. The reason is that competitiveness puts race against each other which affirmative action was supposed to not do. It was also argued that segregation was violated by the Equal Protection secured by the Fourteenth Amendment.

I think that Affirmative Action can put other races into competing with each other and see who is better but in reality we want equal rights and fairness. For example if there is a white kid wanting to go too this university and there is a hispanic/ african american also wanting to go too this university there is a high chance that the hispanic and african american would go to the university because of this they want a more diverse school too make it look good, meaning that the white kids did not have a chance too even admit or join because of the color of their skin, which seems unfair every ethnicity should have the equal right for protection, and go to school.

Grutter V Bollinger should not be overruled but instead used in finding a way to better schools because of the use of race in admissions. The Equal Protection Clause,

Is something important in the case of Grutter V Bollinger it talks about how Asians and Jews get discriminated against. People have experienced racial discrimination for color or religion. It also talks about how “if both are not accorded the same protection, then it is not equal” this is important because if one race has more privileges than the other races, that is unfair and puts our community in a war against each other.
In Justice Powell's view, when the governmental decision “ touch upon an individual's race or ethnic background” Law School uses race as a ‘’predominant’’. Grutter could be victorious with the case, If the Court overrules Grutter they will have more minorities and more diverse military, It also says that “ The military can-not achieve an officer corps that is both highly qualified and racially diverse unless the service academies and the ROTC used limited race-conscious recruiting and admissions policies” this part is essential because it talks about how ethnicity should not matter as well as the background it should be balanced.
Now in Grutter V Bollinger, it talks about the 14th amendment saying that the Equal Protection Clause, is important because it talks about how governmental action is based on ethnicity, a classification this is showing that we don't have respect for other colors and instead, we compete for spots, in addition, it also talks about “ We are a free people whose intuition are founded upon the doctrine of equality” this a major piece of evidence, shows that this is important because it talks about how (we) the people want equality and want all

races to be equal and have the same respect that they deserve.

Treating individuals differently based on their identity is not right under the principle of the law. Another important detail is that In this sentence “It follows that principle that government may treat people differently because of their race only for most compelling reasons” I feel like this piece of evidence can tell us that people have different perspectives on race. In Richmond v. J.A Croson it is also explained that when the government treats a person differently because of their race they suffered an injury within the language speaking and spirit of the constitutional guarantee of equal protection. I think that admissions should depend on intelligence and not on race because intelligence is more important, I also believe that intelligence can make a change so races don't have to compete for spots/ chances of getting into a school because I feel like if everyone took a test about there intelligence then it would not have to be that big war instead of race.

In the case, Plyler V. Doe discusses that “the court has long recognized that education is the very foundation of good citizenship Brown V. Board Education, For this reason, the diffusion of knowledge and opportunity through public institutions are open and available to all individuals no matter what ethnicity you are or what background you come from” meaning that every color should have the opportunity to have an education.

CONCLUSION

In conclusion, the court should get rid of affirmative action.

Respectfully submitted,

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