No. 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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[12/15/2022]

QUESTIONS PRESENTED

Should the court overrule Grutter v. Bollinger, 539 US 306 (2003), and hold that institutions of higher education cannot use race as a factor in admissions?

TABLE OF CONTENTS

Question presented………………………………1
Table of Contents…..2
Table of Authorities…...3,
Summary of the Argument.........................
I. Part one..............................11, 12
II. Part 2..13, 14
Conclusion...15

TABLE OF AUTHORITIES

GRUTTER V. BOLLINGER
DOBBS V. SHAW
BROWN V. BOARD OF EDUCATION
Act of July 25, 1868
Act of July 16, 1866
Act of March 3rd, 1865
Act of July 25, 1868
Act of June 21 1866
zCong. Globe, 44th Cong., 1st Sess. 1875

SUMMARY OF ARGUMENT

There is no need for affirmative action and racism. The fourteenth amendment should not allow affirmative action, also how the fourteenth amendment granted citizenship and equal protection

ARGUMENT

I. Why affirmative action should be dismissed according to Grutter?

6. Does *Brown v. Board of Education* (1954) prohibit race-conscious affirmative action?

No, the ruling does not prohibit taking race into consideration. Brown v Board of Education was a landmark decision by the Supreme Court in 1954. It ruled that racial segregation in public schools was unconstitutional."Separate is not equal." Oliver Brown, the plaintiff, filed a class action suit against the Topeka Board of Education because his daughter was denied access to their neighborhood school because it was an all white school.The court ruled separate but equal was unconstitutional. Brown v Board of Education was decided in 1954. Affirmative Action didn't exist as a policy until 1961 under president John F. Kennedy. Grutter should be overturned because race shouldn't determine what school you go to or anything because we should all be looked at and treated the same without race or the color of our skin Grutter alleged that the policy constituted discrimination on the basis of race in violation of the Fourteenth Amendment of the U.S. Constitution, Title VI of the Civil Rights Act of 1964, and 42 U.S.C. § 1981. Decision. On June 23, 2003, in a 5-4 decision, the court held that the Equal Protection Clause of the Fourteenth Amendment does not prohibit the narrowly tailored use of race in university admission plans as part of a compelling interest in promoting student diversity. The U.S. Supreme Court's decision in

Brown v. Board of Education marked a turning point in the history of race relations in the United States. On May 17, 1954, the Court stripped away constitutional sanctions for segregation by race, and made equal opportunity in education the law of the land. In this milestone decision, the Supreme Court ruled that separating children in public schools on the basis of race was unconstitutional. It signaled the end of legalized racial segregation in the schools of the United States, overruling the "separate but equal" principle set forth in the 1896 Plessy v.

7. Racial preferences should not be apart of the admissions process because
It should be over after 25 years, and should be a better way of doing things. With the admissions process applications should not need to know about race. Will there ever be a point in time in which racial preferences are no longer needed? If not, should the Court allow racial preferences to go on forever? I think racial preferences will be needed until such time our society has progressed to the point where justice is truly color blind. A 25 year limit might not be enough. Because Affirmative Action helps bring diversity and multiple points of view. I think courts should allow racial preferences. It brings a diverse culture into school, and brings multiple communities into the schools. Every case should be treated on its own facts.

8. Should *Grutter v. Bollinger* be overturned? Please address the Supreme Court's recent discussion of stare decisis in *Dobbs v. Jackson Women's Health*

Organization.I Grutter and Bollinger should be overturned because there is no need for affirmative action according to Dobbs v. Jackson you can precedent with affirmative action and change the rules to better ones or give them to the states.because affirmative action brings diversity and multiple minorities on campus. I think there could be some changes made but I don't think it should be completely taken out. Affirmative Action has pros and cons. The pros are that it brings diversity to campus, helps people out of poverty, and can bring more job opportunities to minorities. Cons are that it can prefer certain minority groups over others, can be an expensive policy, and that it promotes stereotypes.

9. If the Court declines to overrule *Grutter*, can the Plaintiffs prevail? The plaintiffs won't be satisfied if the court declines to overrule because it means that affirmative action won't be taken out of consideration in jobs, schools, military, etc. They would be happy if they did overrule this case because it would mean that these occupations cant use ethnicity or background to have an advantage over other students.Plaintiff Barbara Grutter commenced this action in December 1997. Ms. Grutter alleges that in 1996 she applied for admission to the University of Michigan Law School (hereinafter "the law school"). At first the plaintiff was placed on a waiting list, but in June 1997 her application was rejected.

10. If the Court overrules *Grutter*, will the military have difficulty recruiting diverse academies to recruit a diverse student body. Currently the academies practice Affirmative Action-policy of using race as a factor in admission to boost diversity in their ROTC programs.armed service? If the Supreme Court did

overrule Grutter, it would be more difficult for the military. yes because it would take away their protection against the precedential law/rights from 13, 14, and 15th amendments Audit your job ads. ...

Target sources where diverse candidates congregate .Encourage your diverse employees to refer to their connections. They could Offer internships to targeted groups. Develop an employer brand that showcases your diversity. Also could create company policies that appeal to diverse candidates. Businesses who hire a culturally diverse range of employees may find that there are communication problems amongst teams. Perhaps language barriers might appear, or cultural differences in timekeeping and personal life schedules. This can leave employees feeling frustrated, excluded and unheard.-

II. Part II

The fourteenth amendment should not allow affirmative action. The fourteenth amendment to the united states constitution served as the foundation for the reconstruction amendments, which collectively ended slavery, granted african-american men the right to vote, and ensured full citizen ship, due process, and equal protection under the law for everyone. The equal protection clause of the fourteenth states that “no State shall deny to any person within its jurisdiction the equal protection of the laws.” It has become clear that this provision is essential for ending and

preventing racial and gender-based discrimination in government. All Americans are guaranteed “equal protection of the laws" according to the fourteenth amendment. They cannot, therefore, be subjected to discrimination without cause. Because governments must decide what is legal, all laws discriminate. Using aptitude tests and other criteria that tended to discriminate against African Americans was prohibited for companies receiving federal funding. There are no laws that states can pass or put into effect that would limit the rights or privileges of American Citizens. One of the fundamental drawbacks of the equal protection clause is that it only places restrictions on the authority of governmental entities, not the individuals to whom it extends has been in place and has not been changed.

In Act of July 25, 1868 furthermore, it is decreed that the bureau’s commissioner will order the removal of the bureau from each of the States where it has operated and that its operations will cease on January 1st, 1869. However, the educational division of the said bureau shall be maintained in the manner now permitted by law unless otherwise directed by a congressional act. In Act of July 16, 1866, it is hereby enacted that the Senate and House of Representatives of the United States of America in Congress assembled. The act to establish a bureau for the relief of freedmen and refugees, approved March 3rd, 1875, shall continue in effect for the period of two years from and after the passage of this act. In Act of June 21, 1866, be it further enacted that the establishment of a charitable institution of freedmen in the industrial pursuits of life is declared to be the object for which this corporation is created in order to prepare them for independent self-support and to provide a temporary home for any freedmen who may, due to illness, misfortune, old age, or infirmity, require fostering care until otherwise

relieved. The Southern Homestead Act is an american federal statute known as the Southern Homestead Act of 1866 was passed during the Reconstruction following the American Civil War to end a cycle of debt. Before this law, it was difficult for both whites and blacks to purchase land. Tenant farming and sharecropping were becoming common practices.

In Act March 3rd, 1865, Congress passed “An Act to Establish a Bureau for the Relief of Freedmen and Refugees” to give displaced Southerners, including newly freed African Americans, food, housing, clothes, medical care, and land. A bureau of refugees, freedmen and abandoned lands, to which shall be committed, as herein provided, the supervision and management of all abandoned lands, and the control of all subjects relating to refugees and freedmen from rebel states, or from any district of country within the territory embraced by the operations. These laws were for ex-slaves and children, if the framers of the fourteenth amendment were around today, they would say these laws are unnecessary. On July 16, 1866, the Freedmen’s Bureau Act became law, prolonging the organization's operations for two more years. In Act of July 25, 1868, “The educational department of the said Bureau, shall be continued as now provided by law until otherwise ordered by act of congress.” Meaning that they should use affirmative action for the time being, but if framers were still alive they would want to overrule it. The fourteenth amendment provided all citizens with “equal protection under the laws,” provisions of the Bill of Rights to the states.

No, African-Americans had just became free from being slaves. Hispanics, Asians, and Native Americans should not receive similar privileges because they were never slaves. They didn’t get fair treatment but they never went

through slavery. This was specifically for ex-slaves, the fourteenth amendment covers Hispanics, Asians, and Native Americans. The framers wouldn't have considered Hispanics, Asians, and Native in anything they did for the African-Americans because they didnt face slavery. In the Act of June 21 1866 it states "A charitable institution for the instruction of freedmen in the industrial pursuits of life." Cong. Globe, 38th Cong., 1st Sess 1865 Rep Charles Sumner "It is evident, then, that the freedmen are not idlers. They desire work. But in their helpless condition they have not the ability to obtain it without assistance." Cong. Globe, 44th Cong., 1st Sess. 1875 "That there is no longer any distinction between American citizens; that we are all equal before the law; and that all legislation respecting the rights of any person should go through the regular standing committees." Representative J.G Blaine suggested disbanding the start of the 44th Congress in 1875. The Committee was founded in 1865, and all issues involving freedmen were forwarded to it. Members were tasked with analyzing the Freedmen Bureau agents' letters and reports to decide the kind of assistance that would be more helpful to freemen. They were then in charge of writing the legislation necessary to permit such assistance. Blaine pointed out that the Committee was no longer required since the newly liberated slaves were sufficiently protected by the Constitution even without such provisions being made for them. President Andrew Johnson vetoed the expansion of Freedmen's Bureau. He said "A system for support of indigenous people in the United States was very contemplated by the authors of the Constitution." no argument can be made for why it should be formed for one class.

The framers of the fourteenth amendment made arrangements for African-Americans, we could do things to

benefit people on the basis of sexual orientation or gender identity.

CONCLUSION

Respectfully submitted,

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