

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

TRISHA LAM
Counsel of Record
Creekview High School
3201 Old Denton Rd
Carrollton, TX 75007

YAHAYRA AGUILAR
Creekview High School
3201 Old Denton Rd
Carrollton, TX 75007

[12/15/2022]

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?

TABLE OF CONTENTS

Question Presented.....1

Table of Authorities.....4

Summary of Argument.....6

Argument.....7-11

I. Affirmative action could be wrongly used, which would lead to students having disadvantages due to the fact that students could have their dreams and opportunities crushed because of their skin tone or race.

A. While affirmative action is trying to create more opportunities for less representative races and ethnicities, affirmative action could also cause other races and ethnicities to have less opportunities.

II. Affirmative action could increase the amount of racism in colleges due to the fact that the admissions committees use race as a factor if they get accepted or rejected.

B. While affirmative action is trying to create a more diverse space in colleges, affirmative action could also cause less diversity in colleges when certain colleges prefer a race or ethnicity over another.

III. Affirmative Action can be used in very racist ways decreasing the opportunities for students of color

A. While Affirmative Action might help create more

diversity it can still be used in bad ways as well can
cause classism in schools

**IV. Affirmative Action be a disadvantage for
many first generation students across the
country**

- B.** Since the majority of first generation students are
people of color that would make it a double
disadvantage for them

TABLE OF AUTHORITIES

CASES :	PAGE(S)
Grutter v. Bollinger, 539 U.S. 306 (2003).....	7
Regents of the University of California v. Bakke, 438 U.S. 265 (1978).....	9
Brown v. Board of Education of Topeka, 347 U.S. 483 (1954)	

SUMMARY OF ARGUMENT

The Court should overrule *Grutter v. Bollinger*, 539 U.S. 306 (2003) with the reasoning that Affirmative action could be wrongly used, which would lead to students having disadvantages due to the fact that students could have their dreams and opportunities crushed because of their skin tone or race, Affirmative action could increase the amount of racism in colleges due to the fact that the admissions committees use race as a factor if they get accepted or rejected. Also with the reasoning that Affirmative Action can be used in very racist ways decreasing the opportunities for students of color, and that Affirmative Action be a disadvantage for many first generation students across the country.

ARGUMENT

I. Affirmative action could be wrongly used, which would lead to students having disadvantages due to the fact that students could have their dreams and opportunities crushed because of their skin tone or race.

According to the Fourteenth Amendment of the United States Constitution which states “ No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. “ The Fourteenth Amendment is used to make everyone equal no matter the difference, which does include skin color, race, and ethnicity.

In the case, *Grutter v. Bollinger, 539 U.S. 306 (2003)* talks about how the fourteenth amendment prohibits a public university from using an undergraduate admissions policy in which race is the primary reason behind rewarding the minimum points required for the universities and colleges admissions, which gives certain races and ethnicities to have disadvantages in the application process and also goes against the Equal Protection Clause.

A. While affirmative action is trying to create more opportunities for less

**representative races and ethnicities,
affirmative action could also cause other
races and ethnicities to have less
opportunities.**

Affirmative action is indeed trying to create more opportunities for the less represented races and ethnicities, but affirmative action also could create less opportunities for other races and ethnicities, which would make disadvantages and advantages for the different races and ethnicities. affirmative action is causing less opportunities for the majority, which gives the majority a disadvantage in getting accepted into colleges. Having affirmative action causes multiple things which includes disadvantages, advantages, more opportunities for minorities and less opportunities for the majority, which is unequal and goes against the Equal Protection Clause since not everyone is getting the same treatment.

**II. Affirmative action could increase the
amount of racism in colleges due to the fact
that the admissions committees use race as a
factor if they get accepted or rejected.**

According to the Fourteenth Amendment in the United States Constitution which states “ No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the

equal protection of the laws.” If a college uses race as a factor if students get accepted or rejected could cause certain races and ethnicities to increase in colleges, having more certain races and ethnicities in a college could increase the amount of racism in that college. In the case, Regents of the University of California v. Bakke, 438 U.S. 265 (1978) was the first time when the Supreme Court addressed affirmative action, the 5-4 majority held that U.C. Davis Medical School violated the Equal Protection Clause of the Constitution, what U.C Davis Medical School created an application process where 16 out of the 100 spots were reserved for the minority races and ethnicities which violated the Equal Protection Clause by giving minorities more opportunities and advantages but the majority gets disadvantages and less opportunities.

- A. While affirmative action is trying to create a more diverse space in colleges, affirmative action could also cause less diversity in colleges when certain colleges prefer a race or ethnicity over another.**

The case Regents of the University of California v. Bakke, 438 U.S. 265 (1978) talks about that the “quota system “ is unconstitutional and that the university is using affirmative action to cause more diversity in the college and have a more diverse student percentage and population. Colleges are trying to increase the amount of diversity in colleges

using affirmative action, but colleges could cause less diversity when colleges prefer a certain race or ethnicity.

III. Affirmative Action can be used in very racist ways decreasing the opportunities for students of color.

Moving on to my first point. Affirmative action does go against the Fourteenth Amendment which states “ No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. “ This Amendment states that regardless of skin color , race or ethnic background everyone should be treated the same as citizens of the United States of America. Affirmative action is used and abused too , which unfortunately leads to other students having a disadvantage to get into colleges. Just simply because of their skin color and race which is extremely unfair. Then giving students who are white more privilege.

While Affirmative Action might help create more diversity it can still be used in bad ways as well can cause classism in schools

A. While Affirmative Action might help create more diversity it can still be used in bad ways as well can cause classism in schools

Affirmative action when placed in the wrong person's hands can be abused and used in very racist and disgusting ways. Affirmative Action while it might help create a diverse space it can still lead to causing discrimination in professional places/areas and actually a less diverse space.

IV. Affirmative Action be a disadvantage for many first generation students across the country

- A. First generation students have to work harder than other students to get into colleges. With that being said, affirmative action can cause some discrimination against first generation students. It makes it harder if they are also a person of color. Not only does it give a disadvantage to first generation students but it gives legacy students/students who come from wealthy families a higher percentage of getting accepted into colleges. Year after year hundreds if not thousands of students' dreams are crushed simply because they are not as privileged economically and socially as others are.

CONCLUSION

In conclusion, this court should overrule *Grutter v. Bollinger*, 539 U.S. 306 (2003), and the court shouldn't let higher education use race as a factor in admissions.

Respectfully submitted,

TRISHA LAM
COUNSEL OF RECORD
CREEKVIEW HIGH SCHOOL
3201 Old Denton Rd
Carrollton, TX 75007

YAHAYRA AGUILAR
CREEKVIEW HIGH
SCHOOL
3201 Old Denton Rd
Carrollton, TX 75007

[12/15/2022]