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

SEBASTIAN BENNETT (STUDENT #1)
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12/13/22

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

Sebastian (Student 1) argues about how the Constitution and the government affects affirmative action. Preston (Student 2) argues about how the Court rulings affect affirmative action.

ARGUMENT

I. Part I

Sebastian's (Student 1) Questions & Responses -

1. **Does the Equal Protection Clause of the Fourteenth Amendment prohibit race-conscious affirmative action?**

No because the government does not enforce the laws and they don't have control on what happens and the fourteenth amendment doesn't really have control on the laws

2. **How does legislation enacted by Congress in the 1860s and 1870s affect your answer to question #1?**

Like number 1 says the government does not enforce the laws and with the congress they work with the government

3. **Let's assume that the Framers of the Fourteenth Amendment concluded that race-conscious legislation was constitutional in the 1860s and 1870s. Would that argument still work more than 150 years later in a very different society?**

Well it could work because it will be a strong argument that will last a really long time and it will stay the same

4. **Let's assume that the Framers of the Fourteenth Amendment thought that people of African descent deserve certain race-conscious privileges due to the unique context of slavery. Would the Framers have argued that members of other races, such as Hispanics, Asians, and Native Americans, could receive similar privileges?**

Well with this African didn't have rights at the time and they get the same stuff as other races so with african they dont have really any rights

5. **What would the Framers of the Fourteenth Amendment have thought about affirmative action policies that benefit people on the basis of sexual orientation or gender identity?**

They thought that if you are a man your a man and if you are a women then you are a women and you stay your gender no matter who you are

II. Part II

Preston's (Student 2) Questions & Responses -

1. **Does Brown v. Board of Education (1954) prohibit race-conscious affirmative action? In your answer, please address Bakke and Grutter.**

In Brown v Board of Education, race-conscious affirmative action is deemed unconstitutional, and therefore prohibited. In Bakke v University of California (1978), the court ruled that a racial quota is unconstitutional, but using affirmative action can be considered "constitutional in some circumstances". However, in Grutter v Bollinger, the most recent case which was decided in 2003, the ruling said that they "permitted the use of racial preference in student admissions to promote student diversity". What once started as an easy decision has now devolved into a huge debate between whether or not race should be used as a factor in selecting people for admissions such as for colleges.

2. **In 2003, Grutter observed that "25 years [after this case], the use of racial preferences will no longer be necessary to further the interest approved today." 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 believe that racial preferences should not be needed anymore, but I see why some people believe they should. The reason why

affirmative action was implemented in the first place was because white people had an advantage before, so it would only be fair for the tables to be flipped, which is a pretty lame excuse for even more racism, which shouldn't've been allowed in the first place.

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

Grutter v. Bollinger should, in my opinion, be overruled. Similarly to Dobbs v. Jackson Women's Health Organization, it would be controversial, but it would be the right choice since they're both not going to be regulated by the government, and instead by the states and people of the states.

4. **If the Court declines to overrule Grutter, can the Plaintiffs prevail?**

If the Court declines to overrule Grutter, I think that some plaintiffs will be happy with the decision, and some won't, as pretty much all cases result in. However, I do believe that more people would approve if it was overruled, which is the right choice, in my opinion.

5. **If the Court overrules Grutter, will the military have difficulty recruiting a diverse armed service?**

If the Court overrules Grutter, the military might have difficulty having a diverse base,

since some communities might not have many applications to join, but there's also an even chance that it would remain diverse just because several different peoples want to join. However, to be fair, race isn't important in selecting members for an organization like the military, it just matters that you're good enough to serve there, and want to serve there.

CONCLUSION

We pray the court finds in our favor that affirmative action and race influenced selections are unconstitutional, and should be overturned. In the past, people were taking advantage of people's races, and lots of problems started, the most important being modern-day segregation as we can see in some colleges. Even though this is not what affirmative action was meant to achieve, it's basically what it has turned into nowadays.

Respectfully submitted,

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