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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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

action policies that benefit people on the basis of sexual orientation or gender identity?

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

7 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?

8 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.

9 If the Court declines to overrule Grutter, can the Plaintiffs prevail?

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

TABLE OF AUTHORITIES

SUMMARY OF ARGUMENT

Race should not be a factor in the selection and should not be used as with multiple cases we go through and see why the petitioner side is correct, and that all these cases should be decided in the race not being a factor. and the `14th amendment should be criticized to make everything equal and give everybody the same chances and no special immunity or powers, no matter the race and the past their of color.

R

ARGUMENT

The protection clause and why race should not matter in certain factors such as college applications.

I. Part I

Race doesn't matter because 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 equality 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

A. Subpart A

II. Part II

Race should not matter in selecting anything, and there should be limited racial biases to none.

A. In Brown v. Board of Education in each of the cases, African American students had been denied admittance 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.

I think Racial preferences in deciding who goes to a particular school should be minimal, or not have any racial biases, and specific to the point where the school recognizes the color of the person but while at the same not going overboard with it, to the point where it is unfair to a different color of the person, 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 it is possible that racial biases could be gone in the future if the future is an equal place where people can honor the diversity of the world and not target specific races of students because of the way they look.

Grutter V Bollinger should be overruled but instead used in finding a way to better schools 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. Another thing I found interesting was that Grutter was denied 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 rights to abortion 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." in Dobbs V Jackson " Although the Court acknowledged that States had a legitimate interest in protecting "potential life," it found that this interest could not justify any restriction on pre-viability abortions. The Court did not explain the basis for this line, and even abortion supporters have found it hard to defend Roe's reasoning."

Grutter could prevail and be victorious with cases If the Court declines to overrule Grutter. Because Grutter is a white woman her voice could be potentially less valuable than that of a person of color but that is the whole reason for the case in the first place so the winner is who really sets equality in stone about Grutter's case.

B. I think that if the court overruled Grutter it would not matter so much. Because the analysis undertaken by the

Grutter Court was seriously flawed, the Court wholly failed to consider the inherent, undeniable, and well-known costs of race-based discrimination. Treating individuals differently on the basis of their race is destructive to a democratic society based on the principle that everyone is equal under the law. 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 ill-prepared to compete, universities are seriously harming the very students that they are attempting to benefit through their discriminatory policies. Overall I think the military would not have difficulties recruiting diverse armed services unless a future war comes ahead. People are more loyal to them, but I think the Grutter case will not have as much value on that subject if it is overruled. Of the whole six questions I find the diversity in the system very interesting and I think it will be different to see how any of this really does turn out and to see what opinions really do matter, how far can you test the limits of schools entering the system to truly be “unfair” and to see if some parts should stay the same, and the same thing could be said for any other case dealing with a topic that is wrong but some parts of it could be right. In the end, it will most likely be in consideration and minor changes will be made, rather than Grutter just being Overruled.

CONCLUSION,

In conclusion, race should be a minimal factor in selection, and applications, the 14th amendment should give everybody the same opportunities no matter how different someone is.

Respectfully submitted,

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