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 RESPONDENTS

STUDENT #1
Ayden Lara
Creekview High School 3201 Old Denton Rd Carrollton, TX 75007

STUDENT #2
Joshua Yoo
Creekview High School 3201 Old Denton Rd Carrollton, TX 75007

[Date:12/7/22]

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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b.if someone is enter due their race is that fair or unfair
c.why is the school letting people in cause of the color skin
To describe the events followed suit we want to prove to the court the requirements to get in and why race is being applied

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SUMMARY OF ARGUMENT

We represent the *Respondent*, the University of North Carolina in today's case. There is one question before the court. That if race conscious affirmative action is consistent with the fourteenth amendment to the United states constitution.The UNC when you are applying race is considered when the student wants to join the university. Race should be considered when applying for a university or college there should be diversity when thinking about approving a student to the college.So when the University of North Carolina denies approval of joining the university due to race it is to show that there should be more consideration,when applying the black and mexican communities there are stereotypical views showing that mexicans and black people are considered bad people even though we want equality.Society has changed that view showing people of color standing up for themselves and yet there still being inequality and problems but some changes with people of color have been recognized like the case with George Floyd a black man who was killed by a police officer we all knowing it was wrong but had people of color mainly the black community protesting for one of their own people showing how race will be exaggerated when needed too, What i'm explaining to the court is that accounting race and showing that race being applied to college applications is needed to show a group following but also comfortness of having people like you around you so that's one of the reason to put race in the decisions when applying a student to the college/university into part of the decision.the second point i like to bring up is that you can see the experiences the individual has gone through showing there ups and down of being there race and letting us see what the

student is like cause of their race are they getting hatred towards cause of their race or are they benefits because of their race recently the asian community has been getting a lot of brutality cause of their race this could be an example of what a asian student might go through showing that they've been able to b . Now let us move onto my next point,Does the Equal Protection Clause of the Fourteenth Amendment prohibit race-conscious affirmative action, no it doesn't prohibit the affirmative action, cause the equal protection clause does not have anything affecting affirmative action the equal protection clause says that “No STATE shall make or enforce any law which shall abridge or immunities of citizens of the united states.” which implies that everybody has equal right to learn the same way as everybody else now this does sound contradicting to what me and my partner are trying to prove but this shows that everybody has the right to learn but that doesn't mean that race is going to stop the individual from learning it talks about the right being removed because of their color of their skin not the approval of letting them get into the schools.The legislations enacted by congress in the 1860’s and 1870’s shows that “that control of education should be left to the states and only the states” shown in President Andrew Johnson veto of freedmen's bureau bill in (february 19, 1866) showing that the decisions of education is left to the state not the school in particular another example from one of the legislative debates of Cong. Globe, 38th Cong1st Sess. 2799 in the year (1865) also describes that Mr. Charles Sumner, a Republican Senator from Massachusetts, spoke in favor of the establishment of a bureau that would provide educational privileges to freedmen and aid to those in need – what would become the Freedmen’s Bureau. Sumner believed the situation for freedmen in the southern states was dire. His support of

the Act was based on his belief that, because the newly freed slaves derived their freedom from legislative and executive acts of the United States government this showing that there is recognition of equality when talking about back then now it is very different now 150 years later this has changed due to the fact that it had gotten even better than it has before with people protesting and there being more recognition standing up for themselves this could also be the reason why framers of the 14th amendment wanted african descent to have a special privileges due to the fact the of contect of slavery showing that wanted to help people who were slaves .There should be fairness between the race now can this affect the lgbtq community no this cannot effect the LGBTQ community the writers of the 14th amendment only purpose was to help people of color back then being homosexual was considered a thing we dont discuss so in present day its considered okay to be gay but back then it was something people didnt discuss and the writers in question had no thought about the gay community and only focus was people of color there is nothing in the 14th amendment that would affect the lgbtq community or the sexual view of that person themselves just because the person themselves being gay would have no affect of them getting in of the school cause of their sex or oreintation of themselves

If there are no further questions, I will now pass it on to my co-counsel, Joshua Yoo as they will address more about affirmative action being consistent with the fourteenth amendment.We represent the *Respondent*, the University of North Carolina in today’s case. There is one question

before the court. That if race conscious affirmative action is consistent with the fourteenth amendment to the United States constitution. Race towards college admissions should be expressed throughout the United States and expand the idea of applying race towards college admissions. Races like the Black community, and the Hispanic commuinty are generally stereotyped, for example the Black commuinty are stereotyped by being called murders, Uncle Tom, and etc, and for the hispanic community they are normally called like border hoppers and etc. Comparing the hispanic and black community to the white community shows that natraully the white community is favored more between the hispanic and black comunnity, for example if there is 2 males, one of them being named Benjamin and is a well off white male, and the other being named Marcus and not being as forunate but has better educational values than Benjamin, but Benjamin would probally have a higher chance of getting admitted because of their status and that they are a race that is

favored in this society. The reasons why all these bold claims are being made is because race being a important factor in a person admisson and keeping it the races that were highly discriminated for a long period of time like black,and hispanic people. Adding on what my partner said about the asian community is that the discrimnation of asians wasn't as popular and was really just disregarded, but towards the college admissions side asians really shouldn't have the benefits and insurance like what the black and hispanic people are getting is because really they aren't as recognized and not really as popular comparing to the black, hispanic, and the white communities. Affirmative action was upheld by the Bakke and Grutter case, but is only allowed a few times, but if Affirmative action is used then it would be breaking the law. To go more into detail on the Bakke case it is about a man name Allan Bakke who was a white Californian man that applied was rejected twice in getting accepted into the medical school at UC Davis and after both of the outcomes he decided to sue

the school, and him being white should have a extra boost above the rest of the other races because it was the norm back then, as well now. Allan had higher test scores than the minorities that were accepted, and back then white applicants were normally given the upper hand because of their skin color, so even though a asian applicant that had higher scores compared to like a white applicant had lower test scores, the white applicant would be granted a higher chance of getting admitted because of their skin color. It's also important to know that not having much diversity throughout UNC and throughout the whole United States could help knowing the same races that you are, and not having many minorities in the school, as well as not expanding much minorities face. Moving on to Grutter v Bollinger, the case was about that the University of Michigan Law School was using racial perforations on who to accept into the Law School, and not really caring of the academic background. The importance of the Grutter v Bollinger case is that it gave everyone a fair chance in

getting accepted, as well it upheld affirmative actions at the school. But having the racial preference could help the people of the same race know each other than having other races just interfering with the race that is prefered. The continuation of racial preference is most needed to stay for the time being is because it helps the universities reduce the expansion of different races they have decide on and just really focus on one or a couple races, making it competitive to the preferred races while having some competition to the not so preferred races, the court should have it go on for the time being because of just how it can be a difference maker towards the factors that less diversity means that there would be less stereotyping towards one and another, and is just beneficial. To more about the Grutter V Bolligner case the overturning of it would be very beneficial in many ways, for one the Michigan Law School could make quicker decisions, and could be less focusing on the races they choose on. Addressing the discussion of stare decsis in Dobbs v Jackson Women's Health Organzation the

importance about this case is that it is about abortion and how in the constitution it doesnt grant the right to have abortions or any sort of killings of a unborn child. The similarities between these cases is that there is a group of party that is arguing for fairness, or that it's for proving something that you believe in that is getting debated by the party that believes in the opposite. The succession of Plaintiffs if were Grutter v Bolligner to be overruled would be a rejection, there is many logics in why this is being said, for one the petitioner did have few valid claims, for instance when they stated that affirmative action was suppurative to the minorities like African American, Native Americans, Hispanics, and more, but even thought this action was created the universities still did the opposite on what this action was created for. There is many reasons on why universities use race based opinions, for one the university was created, or owned by a non minority races like White, and etc, as well the location of the area. The selection of a diversed military personnel wouldn’t be difficult as thought

of, for one the selection for higher ranked positions would be more difficult for the non minority races because there would be more the same races, and less of the minority races. To add on more about this it wouldn't have to assign the African Americans, Hispanic, and more frequently.

To sum everything up to what it is being said in this argument race towards college admissons is a important factor in so many aspects in the college life there and a ton more, and spreading it all across the country would. The court case about how colleges are using race towards college admissions, for instance like the Univertsity of Michgan and the Law School case about the University of Michgan Law School were admitting applicants based on their race, and based on that the importance factor is that having less diversity at the University of Michigan Law School and all across the country can have equality.

Thank You

Respectfully submitted,

CONCLUSION

Race to factor in college admissions is one of the most important things in college admissions and could make or break the applicants acceptance and being expressed all across the United States would be the best in making colleges and universities less discriminating and diverse. Bringing up the case of Grutter v Bolligner it was expressed that race wouldn’t be used in admissons towards the University of Michgan Law School, and the outcome was very controversial due to it's weight and race needed to stay because it's helps lower the decisions for the admission officers, and has more benefits.

STUDENT #1	STUDENT #2
Ayden Lara *Creekview High School 3201 Old Denton Rd Carrollton, TX 75007*	Joshua Yoo Creekview High School 3201 Old Denton Rd Carrollton, TX 75007 [Date:12/7/22]