

**REGENTS OF THE UNIVERSITY
OF CALIFORNIA v. BAKKE**
438 U.S. 265 (1978)

Facts

Allen Bakke at age 32 applied to the University of California Medical School at Davis. Willing to give up his career as a space agency engineer and to undergo the rigorous medical school academic program, he began to take pre-med courses and worked as a hospital volunteer. Bakke had a grade point average of 3.44 (out of a possible 4.0) in his previous schooling and had earned high scores on the medical school admissions test. Rejected for two straight years, Bakke learned that his college grades and aptitude test scores ranked well above those of many students who had been accepted and that his scores were comparable to all white admittees.

The Davis Medical School had accepted for admission to the school only 100 students per academic year. Sixteen places were specifically allotted to “disadvantaged students.” These places in the class were given to blacks, Chicanos, and Asians, some of whom were accepted with averages of 2.1.

The only explanation given to Bakke for the difference in treatment was that there was an affirmative action program. Claiming that this program discriminated against him as a white male and that he should have one of the 16 places set aside for the minorities on the basis of his previous academic record, Bakke sued the university, charging a violation of the equal protection clause of the Fourteenth Amendment.

The university contended that it was not choosing between “qualified” and “unqualified” applicants but that it received more applications for admission than were possible with a class limit of 100. In the two years that Bakke applied, it had received 2,464 applications and 3,737 applications, respectively. The university argued that using race as one criterion was in the interest of the people of the state of California since by increasing minority medical students, it possibly would improve health care to the minority communities, and that minority doctors would serve as models for similar youngsters considering medicine as a career.

Decision of the Court

In *California v. Bakke*, a divided Supreme Court (5-4) found that the racial quota system as employed by the Davis Medical School wrongfully excluded Bakke on the basis of his race in violation of the equal protection clause of the Fourteenth Amendment. However, some justices declared that once past discrimination has been proven, race can be used as one of the factors in university admissions. Affirmative action programs were not prohibited by the decision.