

Handouts C–F Answer Keys

Handout C: Opinions, *Regents of the University of California v. Bakke* Answer Key

Justice Thurgood Marshall’s Memo, 1978

1. As admitting certain students on the basis of race, or excluding certain students on the basis of race. Response should be addressed in DBQ essay.

Regents of the University of California v. Bakke (1978) - Plurality Decision (5-4)

1. The case is about excluding certain applicants on the basis of race. Response should be addressed in DBQ essay.
2. “Equal” means treating everyone the same; “protection” means security from discrimination. Response should be addressed in DBQ essay.

Regents of the University of California v. Bakke (1978) – Justice Thurgood Marshall’s Separate Opinion

1. Marshall agreed that the race of an applicant can be taken into consideration when determining admission. Marshall disagreed that the Equal Protection Clause prevents a university from providing additional opportunities to particular races in its admissions policy.

Handout D: *Grutter v. Bollinger* (2003) - Opinions Answer Key

Grutter v. Bollinger (2003) - Majority Opinion (5-4)

1. It did not have a quantified goal of minority enrollment, but rather used race as a “plus factor” in a flexible way that allowed individual consideration. Response should be addressed in DBQ essay.

Grutter v. Bollinger (2003) - Dissenting Opinion (William Rehnquist)

1. It was masking a quota system of proportional admissions. Response should be addressed in DBQ essay.
2. Yes.

Grutter v. Bollinger (2003) - Opinion of Antonin Scalia

1. Dissent. Response should be addressed in DBQ essay.

Grutter v. Bollinger (2003) - Opinion of Clarence Thomas

1. Because it provides eloquent, historical support for his position.
2. If it will be unconstitutional in 25 years, it must be unconstitutional now. Response should be addressed in DBQ essay.

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Handout E: *Gratz v. Bollinger* (2003) – Opinions Answer Key

Gratz v. Bollinger (2003) - Majority Opinion (6-3)

1. The automatic 20 points awarded on the basis of race did not allow for individual consideration of applicants and therefore violated the Equal Protection Clause. Response should be addressed in DBQ essay.
1. The LSA policy awarded specific points for race; the Law School policy did not. Response should be addressed in DBQ essay.

Gratz v. Bollinger (2003) - Dissenting Opinion (David Souter)

1. If colleges are going to award points for certain attributes or accomplishments, they may do so for race. Response should be addressed in DBQ essay.

Gratz v. Bollinger (2003) - Dissenting Opinion (Ruth Bader Ginsburg)

1. She thought that if Grutter's was constitutional, then Gratz's must be constitutional as well, because at least it was honest.

Handout F: Documents Summary Table Answer Key

1. Accept reasoned answers.