

Bakke Decision - Attacks Affirmative Action



In October of this year the United States Supreme Court is scheduled to hear a case that will determine the constitutionality of the special admissions program at Davis Medical School of the University of California (U.C.). The special admissions program at Davis Medical School was created in order to remedy the injustices committed against minorities due to racial discrimination. It allocates 16 slots out of 100 each year for minority students. This program came under attack a few years ago when Allan Bakke, a white man who had been denied admission to Davis, filed a law suit against the school, charging it with reverse racial discrimination. If the U.S. Supreme Court upholds the decision of the lower courts, it will serve as the basis for the elimination of special admissions programs throughout the country. It will mean the possible elimination of affirmative action programs in areas besides education, such as employment, training and promotion of minorities, both in the private and public sectors.

The case of Bakke v. The Regents of the University of California represents another racist attack against minorities since it will mean the elimination of the small advances made in the past decade in the struggle for racial equality. In addition, it represents an attack on the entire working class because it will intensify class division by setting whites against non-whites and vice versa, fighting one another for crumbs while the giant corporations continue to appropriate billions of dollars in the form of profits each year.

Bakke v. Special Admissions Program

In 1973, Bakke, a 34 year-old aerospace engineer, applied for admission to Davis Medical School. He was denied admission to U.C., as well as to several other medical schools. A year later he was rejected at Davis again. At that point, he filed a law suit against the University. Peter Storandt, a U.C. Davis Medical School Assistant to the Dean for Student Affairs and Admissions, was instrumental in pushing Bakke to file the suit. He convinced Bakke that the reason he was rejected was because of the slots set aside for minority students. In the suit, Bakke argued that he was qualified to enter the Medical School but was not accepted because he was white. According to Bakke this was in violation of the 14th amendment of the

Constitution of the United States which protects citizens from racial discrimination. Bakke claimed that minority students less qualified than him were accepted to the school because they received "racially discriminatory treatment." In other words, he claims to be a victim of reverse racial discrimination. Bakke's law suit provided the University with a good opportunity to eliminate the special admissions program.

The University of California filed a counter suit demanding that the question should be the constitutionality of the program and not whether or not Bakke should be admitted to Davis Medical School. Without ever holding a trial, the Yolo County Superior Court decided the case on the basis of written evidence. The court ruled that the program did indeed discriminate against Bakke because of his color; therefore, it was unconstitutional. However, the court also decided that Bakke was not entitled to an order of admittance to Davis Medical School. Bakke, as well as the U.C., appealed this decision.

The case was then transferred to the State Supreme Court of California, by-passing the Court of Appeals because of the "importance of the issues involved." It seemed that the U.C. was interested in a quick settlement of the case. In September 1976, the court upheld the decision of the lower court, declaring once again the special admissions program at Davis as unconstitutional. Further, the court ordered that Bakke be admitted to the Medical School. The Supreme Court based its decision on the grounds that no evidence was presented of past discrimination against minorities at the University to warrant the implementation of programs that give preferential treatment to racial minorities. The University conveniently withheld such evidence. There are two probable reasons for this: Firstly, the University did not want to admit that it is a racist institution. Secondly, its goal is to destroy the program. The latter is evident from the two actions that the U.C. took: 1) a University official was instrumental in initiating the suit; and 2) the U.C. withheld information of past discrimination. Rather than expanding its services to meet the growing needs of the community, the U.C. wants to restrict its accessibility and is attempting to pit whites to fight against non-whites for limited resources. The University is trying to create the illusion among the people that it is defending the program, and so it appealed the State Supreme Court's latest decision. But its actions prove that the University wants to eliminate the program. If the U.S. Supreme Court declares that the program is unconstitutional, it will set a precedent for the elimination of such programs throughout the nation. It will mark a setback to the struggles of minorities to achieve racial equality.

Reverse Racism or a New Form of Racism

Allan Bakke charged, and the courts ruled in his favor, that programs of this type which were developed to meet the particular needs of oppressed nationalities are unconstitutional. These programs are now being defined as discriminatory against whites. "Reverse racial discrimination," they shout. Yet, these programs were supposed to remedy certain racial injustices committed against non-whites. The injustices are many. Minorities have practically no representation in government, receive sub-standard education, lack skilled training, live in the worse slums, etc. Furthermore, the institutions in which these

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special programs have been implemented are administered by whites. The decision-making power of such programs lies completely with white administrators. The courts that have reviewed the Bakke case have no representation of minorities. These racial injustices have not been eliminated. There is still a big gap between the percentage of minorities in the population and the percentage of minorities accepted in the program. In fact, in the four years that the program has been in existence, only 26 Blacks and 33 Latins were accepted to Davis Medical School while some 336 whites have been accepted. Where then is the reverse racial discrimination? Even with special programs, minorities are still suffering from the lack of equal opportunities.

Moreover, the Bakke case provides another example, of which there are many, of the reality that the existing social institutions in this country are not concerned with satisfying the needs of the people—particularly minorities. In this case both the University of California and the courts (as all other institutions in this system) have taken a position that goes against the interests of minorities and of the entire working class in general. In the past these institutions have made limited concessions such as the special admissions program at Davis only after many battles were

waged by oppressed and working people. They were forced to make concessions. As long as the people were organized and struggling, the dominant classes were forced to create programs to meet the demands of the people. But now we are faced with the threat of losing the limited concessions that were gained. This is a constant threat under the present society. Until we can destroy the existing social system, with all its supportive institutions, and create a new one based on the satisfaction of human needs, we are left with the only alternative—that of continuing the struggle.

Therefore, we must defend our rights and prevent the University of California and the courts from eliminating the special admissions program at Davis Medical School. What is at stake in the Bakke decision is the future of all programs that are aimed at meeting the particular needs of minorities. If the decision is upheld by the U.S. Supreme Court, it could mean that thousands of people will be deprived from entering professional schools, from receiving decent jobs and social services, as well as from training and future promotions. All people directly or indirectly affected must unite and struggle to overturn the Bakke decision. The struggle concerns us all: workers, students, professionals, men, women, whites, non-whites, etc. We must exercise pressure on the Supreme Court to overturn the lower court decisions. End the racist attacks on minorities—Unite the multi-national working class!