

Grutter v. Michigan

Questions for petitioners - Barbara Grutter

I. Strict Scrutiny

A. Compelling State Interest

1. Isn't it intuitively obvious that a racially diverse student body prepares students better for a meaningful role in a democratic society? In any event, the university did present evidence through a study done by Professor Gurin, did it not?

2. Has not Congress repeatedly made findings that the elimination of racial isolation has significant educational benefits? Again, isn't it obvious that if there were only 2 or 3% African-Americans in law school, those who were there would feel isolated? To achieve the goals of diversity, is not more than a handful of minority students required?

3. Haven't white students through the years benefitted from exceptions to the merit principle? For example, sons and daughters of alumni?

4. Is there not the elephant in the room that the respondents describe? Despite advances, America remains segregated and race is still a negative significant factor? Racial profiling; blacks pay more for cars; different treatment when renting apartments??

5. Isn't it correct, as Judge Clay said in his concurring opinion, that even without any racial preferences, the overwhelming majority of rejected white applicants still would not get in?

B. Narrowly Tailored

1. On what basis should this Court reject the evidence from the University that there are no race neutral alternatives capable of producing a diverse student body without abandoning academic selectivity?

2. Did they not try recruitment and outreach but did not get enough people?

3. Even if the University abandoned academic selectivity, would they get enough minorities in view of the fact that there are so many more whites in the lower categories?

4. You argue that the university should consider socio-economic criteria; but, if it did, it would still not bring in enough minorities, would it? Many more poor whites than poor blacks?

5. The percentage plans that have been used in some undergraduate institutions would not work at the graduate level, would they?

6. Why do you say these are quotas? Percentage of minority students varies from year to year and through the years by large percentage points, does it not? Also, the university representatives have testified that it is not. On what basis could this Court reject that testimony?