



For news articles, see: <http://www-personal.umich.edu/~graceyor/doctemp/aanaa.pdf> and [mdaa.pdf](http://www-personal.umich.edu/~graceyor/doctemp/mdaa.pdf)

DOCUMENTS IN THE NEWS - 1997/2003

AFFIRMATIVE ACTION IN COLLEGE ADMISSIONS

Gratz and Hamacher / Grutter

v.

The Regents of the University of Michigan



The web page is intended for library reference and research purposes. It does not officially represent The University of Michigan in this legal matter.

Last updated on January 18, 2008

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Lawsuit

★ **Lawsuit Summary**

- Lawsuit filed for Jennifer Gratz and Patrick Hamacher in U.S. District Court (Detroit) on October 14, 1997
- Alleges unlawful preference to minorities in University of Michigan undergraduate admissions
- Expanded as a class action lawsuit in December 1998
- Case to be heard in May 1999
- A second lawsuit filed for Barbara Grutter on December 3, 1997 alleges unlawful preference to minorities in University of Michigan Law School admissions
- Ruled a class action lawsuit in January 1999
- Plaintiffs represented by Center for Individual Rights

★ **Interventions**

o **Background**

- Seventeen Latino and African-American high school students asked to intervene in the lawsuit
- Judge Patrick Duggan of the Detroit District Court turned it down on July 7, 1998
- **Text of Justice Duggan's Decision**
- **Additional Interventions (Gratz/Hammacher v. Bollinger)**
- **Sixth Circuit Court in Cincinnati** issued an order at the end of May 1999 to hold the trial on undergraduate admissions until it made a decision on the intervention; similar ruling on June 7 for the Law School admissions case
- Sixth Circuit Court issued rulings on August 10, 1999 permitting intervention in the Grutter and Gratz/Hamacher cases, **Opinion 99-295**

o **Fortune 500 Intervention**

- Text of amicus brief issued October 16, 2000

o **General Motors Amicus Curiae**

- Text of General Motors advisory opinion to the court supporting affirmative action
- Issued on July 17, 2000

o **President Bush's Intervention**

▪ **President Bush's Announcement**

- Announcement opposing the University of Michigan affirmative action policy on admissions
- Made January 15, 2003

▪ **Federal Brief: Grutter v. Bollinger**

- Written by Ted Olson on behalf of the Bush Administration opposing the Law School's affirmative action guidelines
- Submitted January 16, 2003

▪ **Federal Brief: Gratz v. Bollinger**

- Written by Ted Olson on behalf of the Bush Administration opposing the University of Michigan's undergraduate admissions guidelines
- Submitted January 16, 2003

▪ **President Mary Sue Coleman's Response**

- Response made by University of Michigan President, also on January 15, 2003
- Clarifies the University of Michigan's admissions policy

▪ **Statement by Condoleeza Rice**

- Affirms race as one factor in college admissions though generally agrees with President's policies
- Statement made on January 17, 2003 by National Security Advisor

o **Former President Gerald Ford**

- Wrote opinion piece for *New York Times* on August 8, 1999 (Section 4, Page 15, Column 1) defending the University's affirmative action program
- **Inclusive America: Under Attack**

- Full text courtesy of the Ford Presidential Library

★ United States Courts

1. UNITED STATES DISTRICT COURT (Eastern District of Michigan)

- **Gratz/Hamacher v. Bollinger Decision**
 - Decision rendered by Honorable Patrick Duggan on December 13, 2000
 - U-M undergraduate admissions policies are constitutional, 1999+
 - Policies, 1995-98, are unconstitutional but remedy denied
- **Grutter v. Bollinger Decision**
 - Decision by Judge Bernard Friedman rendered on March 27, 2001
 - Ruled that Law School admissions policy using race as a factor was unconstitutional
 - **Another Copy**

2. SIXTH CIRCUIT COURT OF APPEALS

- **Sixth Circuit Court of Appeals Web Site**
 - Text of decisions beginning 1995
 - Browsable by date or searchable by party or keyword
 - Sixth Circuit covers Michigan
 - **Alternative Emory interface**, 1995-June 1999
 - Intervention approved in Grutter and Gratz/Hamacher cases on August 10, 1999, **Opinion 99-295** cases
 - **University of Michigan oral argument on Gratz, Part 1 (December 6, 2001)**
 - **University of Michigan Oral Argument on Gratz, Part 2 (December 6, 2001)**
 - **Grutter v. Bollinger Decision** on May 14, 2002 permits Law School to use race as part of overall admissions policy

3. SUPREME COURT

- **Decisions - June 23, 2003**
 - **Gratz v. Bollinger (Undergrad)**
 - **Opinion and Dissent (FINDLAW)**
 - **Grutter v. Bollinger (Law School)**
 - **Opinion and Dissent (FINDLAW)**
- **Amicus Briefs in the University of Michigan Case (UMich)**
 - Amicus briefs filed both for the petitioner and for the University of Michigan in the Supreme Court case as well as briefs filed for neither party
 - Variety of formats including pdf and msword
- **Oral Arguments (April 1, 2003)**
 - **Oral Arguments in Grutter Case (audio tape)**
 - **Oral Arguments in Grutter Case (Transcript)**
 - Kilbo and Olson for Grutter; Mahoney for Bollinger
 - **Oral Arguments in Gratz Case (audio tape)**
 - **Oral Arguments in Gratz Case (Transcript)**

- Kilbo and Olson for Gratz; Payton for Bollinger
- **Transcripts of Supreme Court from Detroit News (*April 1, 2003*)**
 - **Petitioners (Part 1)**
 - **Petitioners (Part 2)**
 - **Argument for Respondents**
 - **Respondents (Part 1)**
 - **Respondents (Part 2)**
 - **Respondents (Part 3)**
 - **Rebuttal Argument for Petitioners**
- **Transcripts of Oral Arguments (Supreme Court)**
 - Link to transcripts expect on this page by April 30, 2003
- **Supreme Court Briefs and Dockets (Findlaw)**
 - Various briefs, including those of the petitioner
 - Previous court decisions, and issues of law in the Gratz and Grutter cases, listed separately
 - Arguments are scheduled for April 1, 2003
- **Summary of University Legal Arguments**
- **Supreme Court Decisions, 1937+ via FindLaw**
 - Decisions searchable by citation, title, and full text
 - Also browsable by year or volume number though once identified the cases still require searching
 - Full text of opinions include hypertext links to footnotes and related cases

★ **Legal Analyses of Supreme Court Decision**

- **Jurist Online Symposium: University of Michigan Affirmative Action Cases**
 - Twelve legal commentaries from distinguished law professors and lawyers analyzing the Supreme Court's Grutter v. Bollinger decision



Plaintiffs

★ **Case Documents for Gratz and Grutter (Center for Individual Rights)**

- Press releases on the charges
- The formal complaints
- Questions and answers; biographies of the plaintiffs

★ **Center for Individual Rights**

- Position on free speech, affirmative action/civil rights, and sexual harassment with related cases
- Summaries of its active cases, links to court decisions, and court dockets
- Public opinion polls and TV interviews

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Defendants

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★ [Information on Admissions Lawsuits \(U-M News and Info Services\)](#)

- **Gratz and Hamacher lawsuit**
 - Describes complaint
 - Undergraduate admissions policy
 - Text of President Bollingers' press release
 - President Bollinger's official response to the lawsuit
- **Grutter lawsuit**
 - Describes the complaint
 - Law School admissions policy and Dean Jeffrey Lehman's statement
 - President Bollinger's official response
- Links to the full text of legal documents
- Articles from the University Record and Faculty Senate Assembly statements and resolutions on diversity

★ [Official Answers](#)

- [Answer to Gratz and Hamacher Lawsuit \(December 3, 1997\)](#)
- [Answer to Grutter Lawsuit \(December 3, 1997\)](#)

★ [Press Releases](#)

- [Conversation with Lee Bollinger \(Detroit Free Press\)](#)
 - Brief article addressing the seven myths of affirmative action
 - Dated August 2, 1999
- [President Bollinger's Statement of October 14, 1997](#)
 - Outlines the University's admissions policy
- [U-M Answers Admissions Lawsuit](#)
 - News release from University News and Information Services dated December 3, 1997

★ [Wilmer, Cutler and Pickering](#)

- Description of law firm chosen to represent the University of Michigan
- Biographies of its lawyers



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★ [University of Michigan Strategic Initiatives on Diversity](#)

○ [Michigan Agenda for Women](#)

- Subtitle: *Toward A Full & Equal Partnership; A Report from the President, 1996*
- Adobe Acrobat (pdf) format

○ [Michigan Mandate](#)

- University of Michigan policy document on diversity announced by President Duderstadt in September 1987
- Not available on the web
- A description appears in the [Michigan Daily on October 15, 1997](#)

★ [University of Michigan Admissions Policies](#)

○ [Undergraduate Admissions](#)

▪ [Office of Undergraduate Admissions](#)

- Admissions requirements and recommended high school curriculum
- Admissions application
- Information on campus visits, a typical student budget, and financial aid

▪ [Undergraduate Admissions Philosophy \(U-M News and Info Services\)](#)

▪ [Undergraduate Admissions Q and A \(U-M News and Info Services\)](#)

- See [Ann Arbor News, March 15, 1998](#), for stories on use of the selection index and its predecessor grid and [June 24, 2003](#) for a detailed selection index with maps of under-represented Michigan counties and states in the U.S.

▪ [Current Selection Factors \(AA News, January 17, 2003\)](#) show weighting toward academics

▪ [Undergraduate Admissions Policy \(2003\)](#)

- Admissions policy announced on August 28, 2003 as a result of the lawsuit

○ [Law School Admissions](#)

▪ [Law School Admissions Information](#)

- Description of program and degrees offered
- Student life and financial information
- Applications may be requested via webmail but forms are not available on-line

▪ [Law School Admissions Policy \(Dean Jeffrey Lehman\)](#)

★ [University of Michigan Enrollment \(Office of Budget and Planning\)](#)

- Enrollment and degrees by race or gender or department, 1997-2002
- Profile of freshman class and acceptance rates

★ Campus Opinion

- **Faculty Governance**
 - **Value of Diversity (Senate Assembly Statement, January 26, 1998)**
 - **Senate Assembly Resolution in Support of Diversity (October 27, 1997)**
 - **Senate Assembly Statement on Diversity (May 1996)**
 - Faculty forum on diversity issues
- **Rally on the Diag (Ann Arbor News, Jan. 17, 2003)**
 - Audio of four speeches in support of affirmative action
 - Includes Rep. John Dingell and Rep. Liz Brater
- **Michigan Daily List of Articles**
 - Chronological list of articles on the lawsuit appearing in student newspaper
 - Includes varying reactions of student and faculty groups
- **University of Michigan Gateway**
 - Search or browse for web pages maintained by University departments, groups, faculty and students

★ Diversity Initiatives

- **Dialogues on Diversity (LSA)**
 - Describes programs and events for discussing diversity on campus
 - Includes resources being developed for teaching diversity in the classroom

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Legal Aspects

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★ Constitution

- **Fourteenth Amendment (Equal Protection)**
 - **Text of Fourteenth Amendment**
 - **Annotated Text of 14th Amendment**
 - Annotations to relevant court cases
- **Eleventh Amendment (Lawsuits Against States)**
 - **Text of Eleventh Amendment**
 - **Annotated Text of Eleventh Amendment**
 - Annotations to relevant court cases

★ Court Decisions

- **Brown v. Board of Education**
 - Text of 1954 Supreme Court decision on desegregation
 - Includes numerous footnotes
- **Proposition 209 (California)**
 - **California Attorney General**
 - Chronology of legal actions with hot links
 - Includes text of Ninth Circuit Court of Appeals decision
 - **Proposition 209 (Calif.Secy.State)**
 - Full text of proposal which prohibits California discrimination or preferential treatment
 - Analyses for and against proposal, written in 1996
 - **ACLU Position**
 - Legal documents filed by the American Civil Liberties Union on Proposition 209
 - Articles on the constitutionality
 - **Affirmative Action and Diversity Project (UCSB)**
 - Position papers on both sides of affirmative action issue
 - Includes race, gender, changing definitions of diversity, pending federal and state laws and court decisions
 - University of California Regent decision prohibiting race as college admission factor as well as UC faculty and student response
- **University of Texas v. Cheryl Hopwood et al.**
 - Decision not to review 5th Circuit Court of Appeals ban of racial quotas for college admissions
 - Directly affects Texas, Mississippi, and Louisiana
 - **Supreme Court Decision (Case Western Reserve)**
 - Short statement denying petition for writ of certiorari
 - **Fifth Circuit Court of Appeals Decisions**
 - **Decision Affirming Lower Court (May 11, 1994)**
 - **Affirmation of Previous Decision (March 18, 1996)** - search web site via data
- **University of California v. Bakke (Cornell)**
 - Text and syllabus of 1978 Supreme Court decision allowing racial quotas in college admissions
 - Full citation for printed Supreme Court Decisions is **438 U.S. 265**

★ Federal Laws

- **Civil Rights**
 - Title 42, Chapter 21 of the *United States Code*
 - Civil rights in public education, voting, accommodations, employment
- **United States Code**
 - Searchable text of all laws in force as of January 16, 1996

★ Proposed Federal Legislation

- Civil Rights Act of 1997 (H.R. 1909)
 - Text of bill before the 105th Congress
 - Links to legislative status and statements in the Congressional Record
- Riggs Amendment
 - Would limit preferential admissions in higher education at a national level
 - **House Amendment 612** (105th Congress) to Higher Education Act Authorizations defeated on May 6, 1998
 - Link has text of amendment and roll call vote
 - **Higher Education Reauthorization Act (H.R.6)** to which the amendment was originally attached

★ Proposed Michigan Legislation

- Michigan HJR W
 - Resolution would ban use of racial and gender preferences in college admissions
 - Introduced by Rep. David Jaye in May 1997
 - Michigan version of **Proposition 209**
 - Bill died in the legislature
 - **Gongwer News Service**
 - Behind-the-scenes political report on the Michigan Legislature and legislation
 - Quotations by legislators and lobbyists made on the floor, in committee, and in news conferences
 - Coverage begins with September 1993
 - Searchable by date or keyword (e.g. college admissions and affirmative action)
 - Single-site password available in Documents Center; ask staff for sign-on

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News Coverage

★ Ann Arbor News

- Provides continuing coverage
- Does not archive its coverage on the web
- Use the paper edition of the Ann Arbor News in the Graduate Library in conjunction with the **List of Selected Ann Arbor News Articles**

★ Detroit News

- Expected to provide continuing coverage; indexed and archived for three years

- No longer archived on Academic Universe

★ Michigan Daily

- Cluster of articles on Oct. 15, 1997 about the lawsuit and the University's stand
- Additional cluster, December 3-4, 1997, surrounding the University's response and an additional lawsuit
- Chronological List of Michigan Daily News Coverage
- For continuing coverage, see Michigan Daily home page

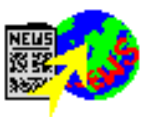
★ Michigan Today

- Quarterly periodical for alumni and friends
- Includes article in its Fall 1997 issue

★ University Record

- Official weekly newsletter for faculty and staff
- Expected to report developments; indexed and archived

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Subsequent action

★ **Proposal 06-2: Michigan Civil Rights Initiative (i.e. ban affirmation action programs)**

- CRC Summary
- CRC Analysis
- Ballot Language
- Amendment Wording
- Election Results by County

- **Delay in Implementing Proposal 2**
 - Wayne State, University of Michigan and Michigan State requests a delay in implementing Proposal 2, which banned affirmative action in college admissions, for the Class of 2007
 - UMich Diversity Sources
 - Order granting postponement from the Eastern District Court of Michigan
 - Various letters and UMich diversity plans
 - Coalition to Defend Affirmative Action v. Granholm
 - Sixth Circuit Court of Appeals decision on December 29, 2006
 - Does not give Michigan universities a delay in implementing Proposal 2

★ Seattle Schools

- **Parents Involved v. Seattle School District Number 1**
 - Constitutional questions include how Gratz and Grutter v. Bollinger decisions in 2003 affect high school students
 - Can race be used in high school admission decisions when the district is not normally segregated
 - Argued before the Supreme Court in conjunction with Meredith v. Jefferson County Board of Education on December 4, 2006
 - Website includes briefs for the petitioner and respondent
- **Amicus Brief (American Educational Research Association)**
 - Supports racial diversity in the public K-12 system



Related Materials

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★ Affirmative Action Alternatives

- **Beyond Percentage Plans: The Challenge of Equal Opportunity in Higher Education (Civil Rights Commission)**
 - Analyzes use of percentage admission plans used in California and Texas for increasing diversity on campus
 - Percentage often means top x% of graduates in each high school
 - Report drafted in November 2002
 - Includes statistics on changes in enrollment
 - Conclusion: percentage plans alone do not improve diversity
- **Texas Top 10% Project (Princeton)**
 - Multi-year project analyzing admissions criteria for the top 10% of high school students
 - Numerous articles and statistical reports
 - Opportunities for grants

★ Interest Groups

- **American Association for Affirmative Action**
 - Links to affirmative action policies in the federal and state governments
 - News coverage
- **American Association of Community Colleges/Minority Resources Center**
 - Policy statements on affirmative action
 - Minority faculty and students in two-year colleges
 - Advanced degrees by field of teaching and race

- **American Civil Liberties Union**
 - Search web site for news releases on its policy
- **Americans United for Affirmative Action**
 - Coverage of the Piscataway Supreme Court Case
 - House and Senate sponsors of the Civil Rights Act of 1997 (considered anti-affirmative action)
 - Annotated links to civil rights organizations
- **Association of American Universities**
 - Major interest group influencing federal legislation
 - **Authorizations** includes news and testimony on the authorization of higher education funds
 - **Appropriations** provides clear charts on the final appropriations of federal funds affecting higher education
 - **Policy Issues**
 - Testimony, speeches, letters, and links to related education sites
 - Topics include student aid, research funding, animal research
 - **Reports and Publications** includes links to Congressional testimony
 - **Other Publications** links to internet research reports
- **Center for Individual Rights**
 - Position on free speech, affirmative action/civil rights, and sexual harassment with related cases
 - Summaries of its active cases, links to court decisions, and court dockets
- **Leadership Conference on Civil Rights**
 - Background papers and recommendations on a variety of civil rights issues
 - Affirmative action, elderly concerns, hate crimes, housing, religious freedom
- **National Association for College Admissions Counseling**
 - Conferences, exhibits, and college fairs
 - *On the Hill* summarizes news on federal education appropriations, scholarships, and affirmative action issues
- **Town Hall**
 - Web site for several conservative organizations
 - Use search engine at bottom of page to search for articles on affirmative action

★ Federal Government

- **Beyond Percentage Plans: The Challenge of Equal Opportunity in Higher Education (Civil Rights Commission)**
 - Analyzes use of percentage admission plans used in California and Texas for increasing diversity on campus
 - Percentage often means top x% of graduates in each high school
 - Report drafted in November 2002
 - Includes statistics on changes in enrollment
 - Conclusion: percentage plans alone do not improve diversity
- **Congressional Universe (UMich Only)**

- Use the *CIS Index* section to search for printed or full-text committee hearings on affirmative action
- Most publications available in the Documents Center in paper or microfiche format
- **President Bush**
 - **Federal Brief: Grutter v. Bollinger**
 - Written by Ted Olson on behalf of the Bush Administration opposing the Law School's affirmative action guidelines
 - Submitted January 16, 2003
 - **Federal Brief: Gratz v. Bollinger**
 - Written by Ted Olson on behalf of the Bush Administration opposing the University of Michigan's undergraduate admissions guidelines
- **President Clinton**
 - **Presidential Advisory Board on Race**
 - Purpose of advisory board
 - President Clinton's press releases on the initiative
 - **Text of Final Report: One America**
- See also **Legal Issues**

★ National Enrollment Statistics

- **Racial and Ethnic Distribution of Undergraduate Students**
 - Enrollment in colleges by type of institution and race, 1976-2000
 - From *Condition of Education, 2003*
- **Years of School Completed by Persons Over 25 by Race and Sex**
 - Data covers 1910-2000
 - From the *Digest of Education Statistics, 2001*

★ Public Opinion

- **Poll: Policy at UM Unpopular (Detroit Free Press)**
 - Reports of an EPIC/MRA poll showing two-thirds of Michigianians against using race and parents' alumni status as admissions factors
 - Over half support using low income as a factor
 - Detroit Free Press, February 7, 2003
- **Roper Polls (Academic Universe)**
 - Go to REFERENCE/ROPER POLLS
 - Search affirmative action for the latest polls by various news sources and research institutes

★ Journal Indexes

- **Academic Universe (UMich Only)**

- Use **ADVANCED NEWS SEARCH** for the text of newspaper articles, television transcripts, and popular magazines
- Use **ADVANCED LEGAL SEARCH** for the text of law journals
- **ERIC**
 - Indexes educational reports and journals since 1966 by author, title, keyword, thesaurus phrase and report number since 1996
 - Full text reports (not journal articles) available, 1993+
 - Try searching *statistics* along with another term
- **Proquest (UMich Only)**
 - Indexes 2500 journals, magazines, and newspapers since the mid-1980s and provides the full text of about half

★ **Articles on the Web**

- **Political Information**
 - Index to public policy web sites
 - Includes lobby groups and legislators
- **Affirmative Action and Diversity Project (UCSB)**
 - Position papers on both sides of affirmative action issue
 - Includes race, gender, changing definitions of diversity, pending federal and state laws and court decisions
 - University of California Regent decision prohibiting race as college admission factor as well as UC faculty and student response
- **Affirmative Action: Supporting Research (UMich)**
 - University of Michigan web page with annotated links to articles on affirmative action
 - Some articles written by University faculty
- **No Retreat: The Alamo of Affirmative Action (CIR)**
 - Articles and news stories from the Center for Individual Rights which oppose affirmative action
- **Race, Gender and Affirmative Action: A Resource for Teaching**
 - Extensive annotated bibliography of race, gender, social groups
 - Arguments for and against affirmative action in college admissions
 - Legal cases
 - Written by Elizabeth Anderson, Dept. of Philosophy, UMich, in 1998 and updated through 2002

★ **State-Based Resources**

- **State Capital Universe (UMich Only)**
 - Under **ISSUES**, the State Net Capital Journal, NCSL Legis Briefs, and State Newspapers of Record have summaries of legal information arranged by state
 - See the main screen for state bills, laws, and regulations

o **Academic Universe**

- Use the ADVANCED NEWS SEARCH and then U.S. NEWSPAPERS for state-based newspapers; use ADVANCED NEWS SEARCH and then GENERAL PAPERS, Collegiate Papers, for the newspapers of individual schools
- Use LEGAL RESEARCH and then either STATE CODES, STATE CASE LAW, or LEGAL NEWS

- o Use the **Journal Indexes** listed above

★ **Books and Articles for Further Research**

- o Search **MIRLYN**
- o **MCAT**: use subject headings (s=) such as "affirmative action," "minorities--education," "racial and ethnic attitudes," and "multiculturalism"

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Grace York, Coordinator, Documents Center
University of Michigan Library
Graphics by Sherry Piontek and Barbara Perles
Send comments and suggestions to [AskUs](#)

<http://www.lib.umich.edu/govdocs/affirm.html>

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