

# The Bakke Case: Reverse Discrimination or Affirmative Action?

By Sandra L. Spear

On Oct. 12 the Supreme Court of the U.S. heard oral arguments on the potentially momentous case *Regents of the University of California v. Allan Bakke*. The decision of the Court, should the Court decide to issue an opinion on the case, could have massive ramifications not only on admissions policies of graduate and professional schools, but also on affirmative action programs of both the public and private sectors.

Allan Bakke, a white 37 year-old engineer in California, applied to several medical schools in 1973, including the University of California at Davis. Denied admittance by each of the schools, he filed a reverse discrimination suit against Davis, claiming that he was denied one of the 100 places in the first year class on account of race, in violation of the "equal protection" clause of the fourteenth amendment. For several years, Davis has reserved 16 places in each entering class for applicants from "disadvantaged educational, cultural and socio-economic backgrounds." During the period of the policy's existence, no white student has been placed in any of these 16 places.

The traditionally liberal California Supreme Court, in a 6-to-1 decision, decided in favor of Bakke, declaring that the use of race as a criterion in admissions decisions was unconstitutional unless all other means of increasing minority enrollment had been exhausted. The University appealed the decision to the U.S. Supreme Court, thereby enjoining Bakke's admission pending the decision of the Supreme Court.

A record total of 60 briefs were submitted to the Court on the case, 58 of which were friend-of-the-court briefs submitted by organizations which feel they have an interest in the outcome of the case. Of the 58, 42 opposed Bakke's position, one of which was submitted by the U.S. Government.

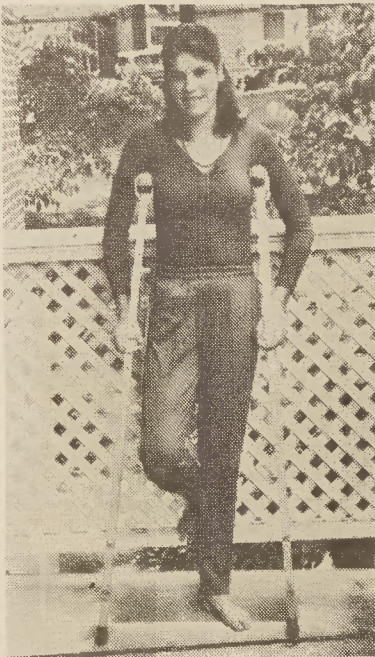
Archibald Cox, attorney for the Univ. of California, argued in his brief and before the Court that affirmative action programs are essential in order for minority groups to overcome centuries of overt discrimination, even to the extent of using minimum "quotas" or "goals" if necessary. U.S. Solicitor General Wade McCree argued for the U.S. Government that affirmative action programs are both constitutional and essential for overcoming discrimination. The Carter Administration, as represented by McCree, objects to the use of quotas, however, and would like the Court to decide against them. San Francisco attorney Reynold Colvin, representing Bakke, argued against the use of either quotas or affirmative action programs, preferring a policy of "equal cooperation."

The decision of the Court is not expected until June, unless the Justices decide to send the case back to the California Supreme Court for clarification. In the event that the Court decides to issue an opinion on the constitutional questions involved in the case, far reaching effects could result. Few legal scholars care to hazard a guess as to the nature of the decision, but many agree that it could be as significant to the civil rights movement as was *Brown v. Topeka Board of Education*.

# Georgian Gymnast George

By Page Jones

You would never know that the girl in this picture is extremely limber, agile, and athletically inclined. You might not believe it if told that she can out-jump you, out-twist you, and do flips so fast that you probably would lose count. Her name is Alice George, a Salem sophomore from Albany, Ga. She has been known by other names in the past such as 1973 Georgia State AAU Gymnastics Champion, or 1975 Most Improved Gymnast.



Alice George

Alice began gymnastics as a result of other interests. She started dancing in the third grade and took acrobatics in the fourth grade. In 8th grade she saw a gymnastics team perform and joined a team one week later. After one short year with the team she claimed the 1973 Compulsory State Championship title. She was 2nd in the 1974 and 1975 AAU State Championship meets. Alice was a member of the Albany YMCA gymnastics team, state champions from 1973 - 1975.

Alice no longer is involved in active competition but is Assistant Gymnastics director for Summit School, a private school in Winston-Salem. While teaching a class by doing a split, Alice tore the muscle away from her right hip bone. She will not be able to exercise for at least a month.

Alice's favorite and most difficult move is called a "front-front." The move starts in standing position, then the gymnast does a front hand spring, and before landing she does one complete flip in the air. Discussing why this move was her favorite in competition, Alice explained, "It was my glory trick. It made me feel proud to do it!" In contrast to her excitement about this floor exercise, Alice has a fear of the balance beam. She said she was terrified of any backwards movements. "I couldn't wait to come crashing down on my head," she said.

Why would anyone want to spend hours and days straining, twisting, and turning every muscle and tendon? Alice George said that winning the championship was not what made it worthwhile, because

there was always another championship to be won. To Alice, important things are learning sportsmanship and gaining maturity through competition and responsibility. Far more important than victory

or maturity Alice has learned something which has made all the hours of practice worthwhile. She explained, "I learned to accept defeat as well as victory...and you have to do that all of your life."

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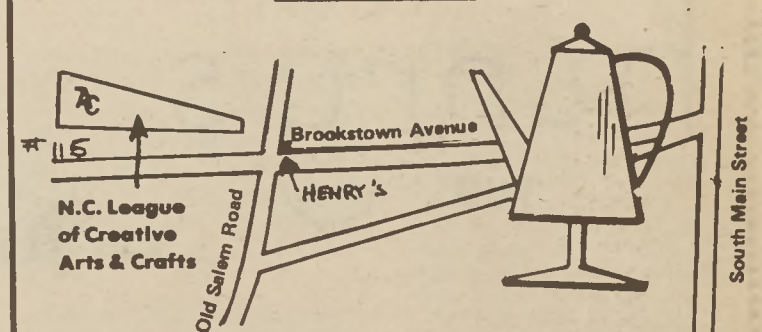
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