

OAKLAND CITY COUNCIL

RESOLUTION No. 77707 M. S.

INTRODUCED BY COUNCILMEMBER

Nancy J. Nadel and Jane Brunner



Resolution Declaring the City of Oakland's Support for the University of Michigan's Consideration of Race and Ethnicity in Law School Admissions Decisions which is being Challenged in the *Grutter v. Bollinger* and *Gratz v. Bollinger* Cases That will be Heard by the United States Supreme Court on April 1, 2003

WHEREAS, Plaintiffs *Grutter* and *Gratz* have challenged the validity of affirmative action by suing the University of Michigan for considering race and ethnicity in law school admissions decisions; and

WHEREAS, the federal district court in *Gratz v. Bollinger* upheld the University of Michigan's consideration of race and ethnicity in admissions decisions because its policy was narrowly tailored to achieve the compelling interest of ensuring that its student body was diverse; and

WHEREAS, the federal district court ruled in *Grutter v. Bollinger* that the University of Michigan's consideration of race and ethnicity in admissions violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and Title VI of the Civil Rights Act of 1964; and

WHEREAS, the United States Court of Appeals for the Sixth Circuit reversed the federal district court's decision in the *Grutter* case, and upheld the law school's admissions policy because it was narrowly tailored to serve its compelling interest in achieving a diverse student body; and

WHEREAS, plaintiffs asked the United States Supreme Court to review the decision of the Court of Appeals in the *Grutter* case, and the federal district court decision in the *Gratz* case; and

WHEREAS, the U.S. Supreme Court voted to review both cases; and

WHEREAS, the U.S. Supreme Court will hear arguments from both sides in the *Grutter Gratz* cases on April 1, 2003; and

WHEREAS, the University of Michigan has shown that there is a compelling national interest for institutions of higher education having student populations that show a historic under representation of various ethnic groups to engage in sustained and substantial efforts to promote racial and ethnic diversity within the student body; and

WHEREAS, the outcome of these two historic cases will influence the legal fate of affirmative action across the nation, and impact the future educational opportunities for California students and teachers alike; and

WHEREAS, more than 300 organizations representing academia, major corporations, labor unions, cities and nearly 30 of the nation's top former military and civilian defense officials filed briefs in support of the University of Michigan; therefore be it

RESOLVED, that the City Council of Oakland does hereby declare its support for the judgements of the Court of Appeals in the *Grutter* case, and the District Court in the *Gratz* case, and asks the Supreme Court of the United States to uphold these decisions, and be it

FURTHER RESOLVED, that the City Council endorses the April 1st National Civil Rights March to the Supreme Court organized by the student defendants in the *Grutter* case, and will notify Oakland residents of this march and encourage their participation; and be it

FURTHER RESOLVED, that copies of this resolution shall be forwarded to the University of Michigan and local media; and be it

FURTHER RESOLVED, that copies of this resolution shall be forwarded to Senators Boxer and Feinstein, Congresswoman Lee, and the President of the United States; and be it further

FURTHER RESOLVED, that copies of this resolution shall be forwarded to Governor Gray Davis, Attorney General Lockyer and all representatives of the City of Oakland in the State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 25 2003, 2003

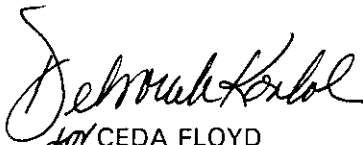
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND
PRESIDENT DE LA FUENTE, -8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 
for CEDRA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California