

EXHIBIT 148

Nos. 02-241 & 02-516

In the
Supreme Court of the United States

BARBARA GRUTTER,
PETITIONER,

v.

LEE BOLLINGER, ET AL.,
RESPONDENTS.

JENNIFER GRATZ AND PATRICK HAMACHER,
PETITIONERS,

v.

LEE BOLLINGER, ET AL.,
RESPONDENTS.

On Writs Of Certiorari To
The United States Court Of Appeals
For The Sixth Circuit

**BRIEF OF HARVARD UNIVERSITY, BROWN
UNIVERSITY, THE UNIVERSITY OF CHICAGO,
DARTMOUTH COLLEGE, DUKE UNIVERSITY,
THE UNIVERSITY OF PENNSYLVANIA,
PRINCETON UNIVERSITY, AND YALE
UNIVERSITY AS AMICI CURIAE SUPPORTING
RESPONDENTS**

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INTEREST OF AMICI CURIAE

Harvard University, Brown University, the University of Chicago, Dartmouth College, Duke University, the University of Pennsylvania, Princeton University, and Yale University respectfully submit this brief amici curiae in support of respondents.¹ For the last two-and-a-half decades, highly selective institutions have relied on the approval by five Justices of the favorable consideration of race and ethnicity in the admissions process in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978). *See id.* at 320 (opinion of the Court per Powell, J.); *id.* at 328 (opinion of Brennan, J., joined by White, Marshall, and Blackmun, JJ., concurring in the judgment in part and dissenting in part) (joining in Part V-C of Justice Powell's opinion). In *Bakke*, a number of private universities had filed a brief stressing the importance of admissions programs that treat "an applicant's membership in a minority racial group as a favorable factor in the consideration of his application." Brief of Columbia Univ. *et al.* as *Amici Curiae*, No. 76-811, at 4. Under this model, amici and other highly selective educational institutions consider an academically qualified student's race or ethnicity as one among many factors in a carefully designed, competitive admissions process that views each applicant as an individual and weighs the capacity of each to contribute to the class as a whole.

The 25 years since *Bakke* have seen extensive efforts by amici and other selective universities to encourage minority applications and expand minority admissions. The principle underlying *Bakke* has become the basis of well-settled reliance not only by amici, but also by students, alumni, high schools, and businesses. To abandon *Bakke* now would trigger wrenching disruption.

¹ Pursuant to Rule 37.6, amici certify that no counsel for any party authored this brief in whole or in part. No persons other than the amici curiae or their counsel made a monetary contribution to the preparation or submission of this brief. Letters reflecting the parties' consent to the filing of this brief have been filed with the Clerk.