

# respect

A NEWSLETTER ABOUT LAW AND DIVERSITY

## U.S. Supreme Court Decision a Setback for Holocaust Survivors

by Phyllis Raybin Emert

**Fifty-eight years after the end of World War II, many Holocaust survivors and their heirs still can't collect on life insurance policies purchased before and during Adolf Hitler's reign in Nazi Germany. A recent U.S. Supreme Court ruling dashed the hopes of elderly survivors with insurance claims in the state of California. The Court, in a 5-4 vote, invalidated the California Holocaust Victim's Insurance Relief Act (HVIRA), ruling that the law interfered with the foreign policy of the United States government and "undercuts the president's diplomatic discretion."**

By 1941, the German government passed laws allowing the **seizure** of all property and assets (which included insurance policies) of all Jews who were rounded up and sent to concentration camps. By 1943, the Nazis took over all the property and assets of the dead, ordering banks and insurance companies to transfer money from Jewish accounts to the state treasury.

Even after the war, insurance policies were not honored for various reasons. Some companies claimed the policies were no longer in effect because policyholders in concentration *>continued on page 2*

### History and background

The Nazi era in Germany was characterized by mass murder, slave labor, and widespread destruction. The state-sponsored policy of **anti-Semitism** also included the theft of Jewish property and assets. Insurance companies often worked together with the German government to cheat their Jewish claimants.

Restricted by Nazi laws and banned from their jobs, many Jews were eventually forced to cash in their life insurance policies to support themselves. The government often seized this insurance money as well. Those who tried to leave Germany also cashed in policies to pay various inflated taxes demanded by the Nazis.

## Rewriting the Rules of the Game for Women

by Cheryl Baisden

**Since 1971, the number of girls participating in high school sports has increased by 847 percent, according to a report by the National Federation of State High School Associations. The numbers have jumped from 294,015 girls participating in 1971 to over 2.7 million girls in 2000. That remarkable rise in athletic interest sounds like a good thing, but not everyone is cheering in the stands over the statistics. Critics say the sharp jump in sports programs for girls has reduced the athletic opportunities for boys.**

"Unfortunately, there is only so much money to go around when it comes to sports programs," said Westfield attorney Louis Miron. "Sooner or later, funding additional girls' programs, will necessitate schools making cuts elsewhere; for example, by dropping some boys' programs. Whenever you cut funding for a program, inevitably someone ends up unhappy."

This battle between the sexes centers around Title IX of the Education Amendments, signed into law in 1972. The federal law bars any federally funded school, which includes most public *>continued on page 4*

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Holocaust Survivors *continued from page 1*<

camps had not paid the premiums. Surviving family members who tried to collect on life insurance policies were turned away because they had no death certificates for the millions who died in the camps. This lack of documentation was the main justification for unpaid insurance claims.

## Creating a Commission

Previously unattainable information became available with the unification of East and West Germany in 1990 and resulted in a flood of lawsuits in the U.S. court system against

German insurance companies that had done business in Nazi Germany. The insurance companies preferred to resolve the unpaid claims outside the court system. Hoping to finally conclude the matter once and for all, in 1998 the U.S. government helped to create the International Commission on Holocaust Era Insurance Claims (ICHEIC), a voluntary claims settlement organization. The ICHEIC is made up of several European insurance companies, the state of Israel, Jewish and Holocaust survivor organizations, and America's National Association of Insurance Commissioners.

## Woman Sues Austria for Recovery of Stolen Artwork

Maria Altmann wants her uncle's paintings back. They were stolen by the Nazis and after the war, the Austrian government refused to return them to her. Today, the paintings are in the possession of the Austrian National Museum and Altmann is in a legal battle for ownership of what she believes is her rightful inheritance.

On May 19, 2003 the U.S. Supreme Court granted a temporary **stay** (of a recent decision by a federal court) that would have allowed Altmann to sue Austria here in the U.S. All proceedings are on hold until the U.S. Supreme Court hears the case early next year.

The 87-year-old Altmann, who has been an American citizen since 1945, fled from the Nazis in 1938 when they invaded Vienna. Altmann and her husband Fritz escaped the Nazis and eventually settled in the Los Angeles area in 1942. She is suing to recover six paintings by artist Gustav Klimt valued at \$150 million. Altmann's uncle, Ferdinand Bloch-Bauer, owned the paintings.

Bloch-Bauer was a wealthy, well-known Jewish businessman, an art collector, and the head of the sugar industry in Austria. In 1907 and 1912 he arranged for the prominent artist Gustav Klimt to paint two portraits of his wife, Adele, and four landscapes, which he purchased and added to his collection. In 1936 he donated one

of the landscapes to the Austrian Museum and the other five were displayed in his home in Vienna.

Altmann's uncle fled the city in 1938 after the Germans took over Austria and the Nazis took possession of his luxurious residence. Some of Bloch-Bauer's paintings were given to Adolf Hitler. Others went to various Nazi-controlled museums and collections. Several of the Klimt paintings went to the Austrian Gallery including the most famous, the Portrait of Adele Bloch-Bauer, a gold metallic painting of Altmann's aunt.

Bloch-Bauer, who had received nothing for his property or possessions, was nearly penniless when the war in Europe ended in May 1945. He died six months later and, having no children of his own, he left his estate to his nieces and nephew, of which Altmann is the only surviving heir.

After the war, the Austrian government refused to return the Klimt paintings to the last surviving members of the Bloch-Bauer family. They pointed to the fact that Adele Bloch-Bauer, who died in 1925 before the Nazis came to power, had left a will requesting that her husband leave the Klimt paintings in his will to the Austrian Gallery in Vienna. However, the paintings belonged to Ferdinand and not Adele, so his wife's request was not legally binding.

The ICHEIC set up formal procedures to handle Holocaust-related insurance claims and is working with the insurance companies to publish a comprehensive list of policyholders who may have been victims of the Holocaust. Progress has been slow and ICHEIC has settled only a small portion of the claims it has received.

### U.S. foreign policy

The United States and German governments signed the German Foundation Agreement in July 2000. This agreement declared that the Foundation would be the “exclusive remedy and forum” for

addressing all claims against German companies. The Foundation named ICHEIC as the “appropriate forum for [insurance] claims resolution.”

The U.S. government agreed that whenever a German company was sued in a U.S. court regarding a Holocaust-era insurance claim, the government would submit a statement to the court. The statement would declare that it would be in the best interests of American foreign policy to settle the insurance claim through the Foundation and that it is U.S. policy to favor dismissal of the lawsuit on any “valid legal ground.” The U.S. has signed similar agreements with Austria and France.

>continued on page 6

Even some Austrian legal scholars have agreed that Adele’s request was not enforceable by law and Altmann believes that if her aunt had lived to see the Nazis murder her friends and forcibly seize all her possessions without payment, she never would have made such a request of her husband.

After years of inaction, Austria’s parliament passed a law in 1998 providing for “the return of Jewish-owned artworks

.plundered by the Nazis.” However, because the paintings were considered to be important representations of Austrian art, they were not returned. Then, Austrian Federal Minister for Education and Culture Elisabeth Gehrler declared that the paintings were not stolen at all.

In 1999, Maria Altmann decided to file a lawsuit in Austria, but the court costs totaled more than \$400,000, an amount she couldn’t afford to pay. In August 2000 Altmann filed a lawsuit in U.S. federal district court in Los Angeles. The Austrian government stated the case should be

tried in Austria and asked for a dismissal claiming immunity under the 1976 Foreign Sovereign Immunities Act, which restricts American citizens from suing foreign countries in U.S. courts. The U.S. district judge ruled in May 2001 that Altmann could sue Austria in Los Angeles because the paintings were taken in violation of international law and the Foreign Sovereign Immunities Act did not apply.

Austrian lawyers appealed the decision stating that U.S. courts had no

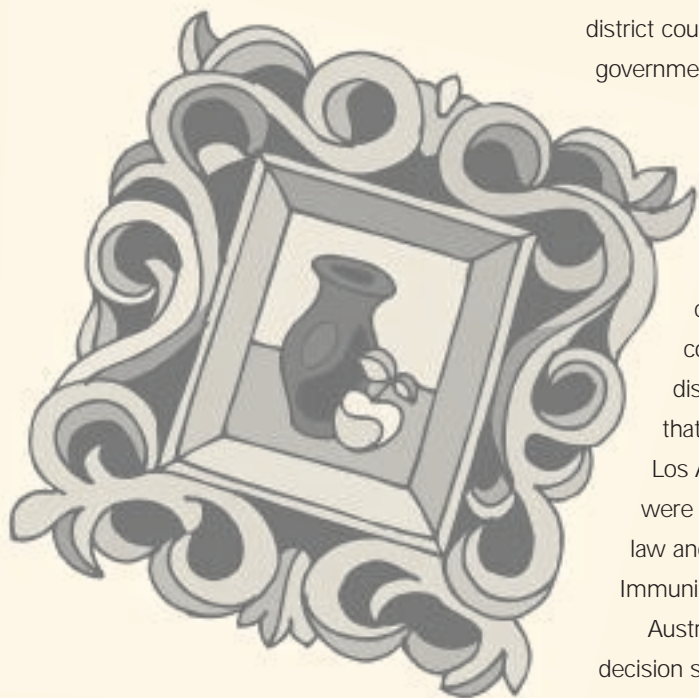
jurisdiction in this case. In December 2002, after an unsuccessful attempt at mediation between the two parties, the Ninth Circuit Court of Appeals ruled that Altmann could go forward with her lawsuit against Austria.

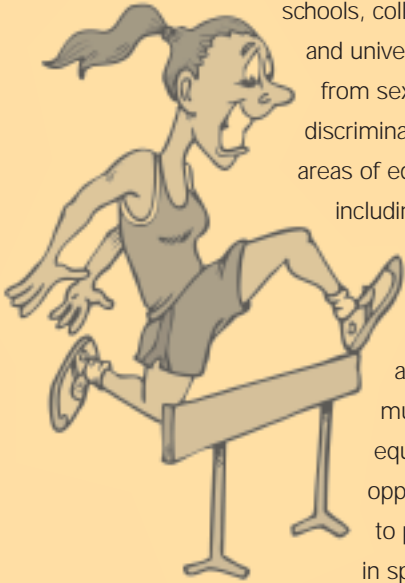
The U.S. Justice Department filed a brief in January 2003 supporting the Austrian government’s claims against Altmann. Her attorney, E. Randol Schoenberg, told the *Los Angeles Times*, “I can understand the U.S. not lifting a finger to help Mrs. Altmann for the past four years, but I cannot understand how they can justify opposing her claims for the return of these stolen paintings.”

Austria appealed to the U.S. Supreme Court, who recently agreed to hear the case. If the Court had refused to hear the case, the stay would have been lifted and Maria Altmann would have gotten her day in court in Los Angeles. The U.S. Supreme Court is expected to render a decision by June 2004.

“They [Austria] have to acknowledge that the paintings belong to us,” Altmann told the *Los Angeles Times* in 2002. “... I want to live to see the paintings.” ■

— Phyllis Rabin Emert





schools, colleges and universities, from sexual discrimination in all areas of education, including sports. Under Title IX, both boys and girls must have equal opportunities to participate in sports, equal treatment in obtaining

sports scholarships and equal benefits in all aspects of their athletic programs. In other words, there must be equal access to all athletic resources for both sexes, including everything from teams and coaching to locker room facilities and equipment, according to Anna Moretto, head of the regional Office for Civil Rights, the agency that oversees Title IX compliance.

“I don’t think anyone really challenges the basic premise of Title IX—that there should be equal opportunities for both boys and girls,” said school law attorney David Rubin. “The problem that exists is in figuring out how to actually implement Title IX and keep everyone happy.”

Schools have been struggling to figure out how to meet the law’s broad requirements since it went into effect over 30 years ago.

“There really aren’t any clear guidelines for how to implement Title IX,” said Rubin, “so schools began by stumbling along trying to figure out what would work. Now that there have been quite a few court decisions surrounding Title IX we have something to use as a guide. That’s made it much easier in some ways, but it still leaves school districts with a problem

when it comes to having enough money to fund everything.”

Cuts are most often made in boys’ sports that are less visible, like gymnastics, tennis, track, swimming and wrestling teams. When that happens, the students who participate in those sports, and their parents, are often upset, said Rubin. In some cases they file lawsuits to fight the school’s decision, while in other cases female athletes and their parents take legal action when they feel they are not getting equal sports opportunities.

### The lawsuits

Over the years, the Title IX requirements have been upheld in all eight federal courts that have heard complaints. The lawsuits cover everything from unequal programs and equipment to claims of reverse discrimination.

In December 2001, a federal district court ruled that the Michigan High School Athletic Association could no longer discriminate against female athletes by scheduling their sports seasons at nontraditional times. By scheduling girls’ basketball in the fall rather than the winter, the court found the school left girls with limited opportunities to compete with other teams, participate in Olympic development programs and qualify for scholarships, awards and recognitions such as selection for All-American teams.

This past April, the Washington-Lee High School in Arlington, VA, settled a lawsuit by agreeing to correct discrimination against female athletes after a field hockey player complained there was no locker room for girls, and that the girls’ sports fields were poorly maintained and lacked features provided on the boys’ fields, such as permanent scoreboards and covered dugouts.

On the college level, a lawsuit brought by the National Wrestling Coaches Association charged that Title IX required a certain number of mandatory slots for women, which resulted in discrimination against men. In that case, the court found that Title IX did not require quotas for female athletes and the lawsuit was dismissed in June 2003.

### Title IX on college campuses

The disparity in Title IX is perhaps most prevalent at the college level where the stakes are higher. A recent *60 Minutes* report on Title IX cited staggering statistics of men’s sports programs that were cut to comply with the regulation.

In addition to the wrestling teams that have felt the heat from Title IX, many programs including the University of Miami’s swimming and diving team, which produced Olympian Greg Louganis, and the UCLA men’s gymnastic team, which has cultivated a number of Olympic champions, have been cut to comply with the regulation’s standards.

Defenders of Title IX, including Nancy Hogshead-Makar, winner of one silver and three gold medals at the 1984 Olympics, claim it is a matter of economics. These minor men’s teams could be saved, they contend, if the programs received a portion of the money allocated to the “big draw” sports—mainly basketball and football.

### Proposing changes

While the wrestling lawsuit was ultimately lost, it did result in a study of Title IX by the federal Commission on Opportunity in Athletics. The commission submitted recommendations to President George W. Bush and Education Secretary Rod Paige in February, suggesting possible changes in the regulation. Moretto noted

that the president can approve changes to Title IX without Congressional action.

Several of the proposed changes to the regulation, according to Miron, would weaken the main method used to determine if schools meet their Title IX requirements—a formula called **proportionality**. Based on proportionality, the ratio of male to female athletes must match the ratio of male to female students at a school. For example, if girls make up half of the school population, half of the sports opportunities must be provided to girls.

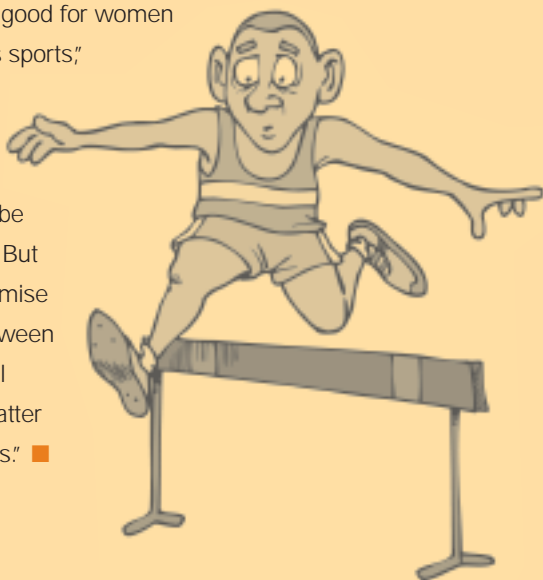
“Where you run into trouble is that a school may not always have a sufficient number of girls interested in sports,” said Miron. “As a result many school will cut back funding for boys’ programs to keep the required balance.”

One recommended change would let schools count the number of athletic *opportunities* offered to girls and not just the positions that are *filled*. Another proposal would allow the education commissioner to override the Title IX requirements of proportionality if the differences were relatively small.

While changes to the regulation may be looming, the benefits of Title IX to female athletes remains obvious, according to Miron. Countless girls who have participated in high school sports since Title IX began have received college athletic scholarships, with many going on to play Olympic or professional sports. To see examples of the advancements provided by Title IX, one only needs to look at the 1999 World Cup-winning U.S. women’s soccer team or the Women’s National Basketball Association. Both of these opportunities for women would not have existed before Title IX.

“There is no denying that Title IX has done a lot of good for women and women’s sports,” Rubin said.

“It’s hard to say what changes will be made, if any. But the basic premise of **parity** between the sexes will remain no matter what happens.” ■



## Professional Sports Firsts for Women

**Just a year after Title IX was passed into law, women scored their first victory in the traditionally male sports arena when tennis champions Billie Jean King and Bobby Riggs faced off in a match billed as “The Battle of the Sexes.” Although Riggs intended to prove that men were better athletes than women, King beat her male opponent in three straight sets at the Houston Astrodome.**

Other landmark moments for women on the traditionally male playing field include:

- 1977** Janet Guthrie qualifies for and competes in the Indianapolis 500 and the Daytona 500.
- 1978** Ann Meyers Drysdale becomes the first woman to try out for the National Basketball Association.
- 1986** Nancy Lieberman becomes the first woman to play men’s professional basketball.
- 1991** Vojai Reed becomes the first woman to take part in a BASSMASTER professional fishing tournament.
- 1992** Manon Rheaume becomes the National Hockey League’s first female player.
- 1993** Julie Krone becomes the first woman jockey to win a Triple Crown race.
- 1997** Ila Borders pitches for the St. Paul Saints, becoming the first woman to play professional baseball.
- 2002** In New Mexico, Katie Hnida becomes the first woman to play in a Division I-A college football game.
- 2003** Hayley Wickenheiser, playing for a Finnish minor-league team, becomes the first woman to score a goal in a men’s pro hockey game.

(Source: *The Christian Science Monitor*)

### California's law

Meanwhile, the Department of Insurance in the state of California began its own independent investigation into unpaid Holocaust insurance claims. They discovered that thousands of Californians might be owed money under insurance policies taken out by Holocaust victims. These heirs have waited decades for justice and are now elderly. In an effort to get action, California passed the HVIRA in 1999. The law required all insurance companies or their affiliates doing business in the state to disclose information about insurance policies sold in Europe from 1920 to 1945, including the current status of each policy, the city of origin, the home or address of each policyholder and the names of the beneficiaries.

If the insurance companies refused to disclose this information, their license to do business in the state of California would be suspended. The law also allowed state residents to sue the insurance companies in state court and extended the deadline to file a claim to December 31, 2010. All of the information collected would be put in a central registry open to the public, so that a Holocaust survivor or heir could find information about a policy and then present the claim to ICHEIC.

After the California law took effect, subpoenas were issued to several

insurance companies who were voluntarily working with ICHEIC. These insurance companies filed a lawsuit in federal district court challenging the constitutionality of HVIRA, arguing that it interfered with U.S. foreign policy and European privacy laws. The district court judge agreed with this argument and issued a preliminary **injunction** against enforcing the law. However, the Ninth Circuit Court of Appeals rejected the argument and upheld the state statute, declaring HVIRA constitutional. The insurance companies sought a review of the decision, and the U. S. Supreme Court agreed to hear the case.

### U.S. Supreme Court oral arguments

The insurance companies' main argument before the U.S. Supreme Court was that the California statute interfered with the president's ability to conduct foreign policy, and therefore HVIRA had to yield to the national government.

"What we have here is one state of the union trying to establish its own foreign policy," declared U.S. Deputy Solicitor General Edwin Kneedler in his oral argument before the Court.

California's lawyers argued that the statute was enacted to deal with the intentional delay by insurance companies over decades to avoid payment of Holocaust-era insurance claims. Attorney

Fred Kaplan, Special Counsel to the California Insurance Commission on Holocaust issues, asserted that states have extensive power to regulate insurance companies and noted that the elderly heirs of Holocaust victims were getting discouraged and impatient.

### The decision

On June 23, 2003, the U.S. Supreme Court voted to strike down California's HVIRA. Chief Justice William Rehnquist and Justices Sandra Day O'Connor, Anthony Kennedy, Steven Breyer and David Souter voted to reverse the Ninth Circuit Court of Appeals. Justices Ginsburg, John Paul Stevens, Antonin Scalia and Clarence Thomas voted to uphold the Ninth Circuit and let the law stand.

In writing for the majority Justice Souter stated, "there is a sufficiently clear conflict between HVIRA and the president's foreign policy... to require preemption here... HVIRA ...compromises the president's very capacity to speak for the nation with one voice in dealing with other governments to resolve claims arising out of World War II."

Justice Souter explained in the majority opinion, that state law must give way to federal executive policy, which has been to encourage the European insurance companies to voluntarily work through ICHEIC to settle World War II insurance claims. Furthermore, according to the opinion, it is in the United States' interest to maintain a friendly relationship with our European allies and these allies should be protected from lawsuits and hearings. The president's policy of voluntary settlement of claims is weakened when California forces insurance companies to disclose more information than ICHEIC requires, the opinion stated.

"The basic fact," Souter wrote, "is that California seeks to use an iron fist where the president has consistently chosen kid gloves... Our business is not to judge the wisdom of the national government's policy...The evidence here is... that the state Act stands in the way of [the president's] diplomatic objectives."



In her **dissenting opinion**, Justice Ginsburg noted that ICHEIC has settled only a “tiny portion of the claims it has received,” and European insurance companies have avoided revealing the names of policyholders and thus continue to delay the possible payment of claims.

“HVIRA imposes no duty to pay any claim, nor does it authorize litigation on any claim,” Justice Ginsberg wrote. “It mandates only information disclosure.” She stated that the California statute “is directed solely at private insurers doing business in California and it requires them solely to disclose information in their or their affiliates’ possession or control.”

Ginsburg wrote that it is an “exaggeration” to say that HVIRA threatens presidential foreign policy. She concluded her dissent by declaring that the judicial branch should not have to explain American foreign policy by striking down a state law.

### The aftermath

Supporters of HVIRA believe the Supreme Court decision could result in more delays in the payment of insurance claims and felt that the California law placed real pressure on the insurance companies to finally take some action. Since documentation of the death of Holocaust victims and the actual policies are nearly impossible to produce, only the insurance companies still have that information available. According to *The New York Times*, “some Holocaust and insurance experts estimate [there] could be several billion dollars worth of unpaid life insurance policies.”

California officials and members of Congress have said that despite the Supreme Court ruling they will increase

their efforts to get European insurance companies to disclose information about policyholders during the Nazi era. Several Congressmen have already introduced legislation allowing states to require publication of lists of insurance policyholders.

Dr. Paul B. Winkler, executive director of the New Jersey Commission on Holocaust Education was very concerned about the outcome of the case. Although the Commission is mainly involved in education programs for New Jersey school students and has not been involved in **reparations** questions, Dr. Winkler said he supports more pressure on insurance companies to disclose information about Holocaust-era policyholders.

“If the federal government doesn’t put on the pressure, we would support the states doing it. My first and foremost concern is in what way the survivors would best receive **restitution**,” Dr. Winkler said.

The state of Washington passed a law in 1999 similar to California’s HVIRA and also established a Holocaust Survivors Assistance Office to help Washington Holocaust survivors and their heirs recover insurance claims. After the Supreme Court’s decision, Mike Kreidler, Washington Insurance Commissioner, declared in a press statement, “The decision severely impedes states’ ability to protect their citizens. With an average of 10 Holocaust survivors dying every week, surely we owe them a chance at pursuing restitution—despite what the federal government thinks. We intend to continue using every tool at our disposal to help the victims and their families in their continuing struggle.” ■

minority. By a 6-3 vote, the Court decided in the *Gratz* case that the enrollment system too closely resembled a quota system, which it found in the *Bakke* case to be unconstitutional.

Chief Justice Rehnquist, Justices Breyer, Kennedy, O’Connor, Scalia and Thomas all voted to strike down the University of Michigan’s undergraduate program as unconstitutional. Justices Souter, Stevens and Ginsburg voted to uphold it.

Chief Justice Rehnquist, writing for the majority in *Gratz v. Bollinger*, said the university’s undergraduate admissions policy was unconstitutional “because the university’s use of race in its current freshman admission policy is not narrowly tailored to achieve a respondent’s asserted compelling interest in diversity.”

In his dissenting opinion, Justice Souter stated, “It is hard to see what is inappropriate in assigning some stated value to a relevant characteristic, whether it be reasoning ability, writing style, running speed or minority race.”

These two decisions sent some colleges and universities scrambling to ensure that their admissions’ policies would pass the Court’s test of constitutionality. For its part, the University of Michigan revamped its undergraduate admissions policy to apply the more “holistic review” that the Court deemed constitutional, eliminating its former point system. This change required the university to employ 20 additional application readers to review each of its more than 25,000 freshman applications. The cost to the University of Michigan for this modification is expected to be reach more than \$1.5 million according to a report in *The New York Times*. ■

## Affirmative Action Supporters and Critics Claim Victory with Supreme Court Decisions

Affirmative action has been a hotly debated issue since it was first instituted in the 1960s, sparking heated political discussions. With the U.S. Supreme Court's June 23, 2003 split rulings on the issue, both sides in the affirmative action debate are claiming victory.

### Brief history of affirmative action

In 1965, President Johnson signed an Executive Order initiating affirmative action, which required contractors doing business with the federal government to make an effort to bring qualified minorities into jobs from which they were previously excluded. Affirmative action applies to three categories—employment, contracting and education.

Affirmative action in education was first challenged in the 1970s with the case of *Regents of the University of California v. Bakke*. In that case, Allan Bakke sued the university after being rejected from its medical school twice despite having a higher grade-point average than many of the minority applicants who were admitted. Bakke claimed he was the victim of **reverse discrimination** because he is white.

The decision in the *Bakke* case, written by former U.S. Supreme Court Justice Lewis Powell, held that the school had discriminated against Bakke because it engaged in the use of racial quotas, which the Court determined are unconstitutional. As a result of the Court's decision, Allan Bakke was admitted to the medical school.

The Court also stated in that decision that race could be only one of the factors used in choosing a diverse student body in university admission decisions. Justice Powell wrote that racial diversity in a student body contributes to the "robust exchange of ideas" on campus.

### Recent Court decision

*Respect* first reported on the issue of affirmative action on college campuses in its fall 2002 edition. In that article, we reported on the

more recent case of *Grutter v. Bollinger*, in which Barbara Grutter, a 49-year-old law school applicant, contended that her rejection from the University of Michigan Law School, like Bakke before her, resulted in reverse discrimination because she is white. The Court also considered the case of *Gratz v. Bollinger* brought by Jennifer Gratz, a white Detroit high school student who was denied enrollment to the college's undergraduate program despite being at the top of her class.

In the *Grutter* case, the Court decided in a 5–4 vote that the method in which the University of Michigan Law School determined enrollment was constitutional because it considered the entire candidate, using a "holistic" approach to is enrollment.

In her majority opinion, U.S. Supreme Court Justice Sandra Day O'Connor wrote, "In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity."

Justice O'Connor also clarified in her opinion that the U.S. Constitution "does not prohibit the law school's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body."

In his dissenting opinion, Justice Clarence Thomas wrote, "The law school, of its own choosing, and for its own purposes, maintains an exclusionary admissions system that it knows produces racially disproportionate results."

Justice Thomas, a longtime opponent of affirmative action, went on to say in his dissenting opinion, "every time the government places citizens on racial registers and makes race relevant to the provision of burdens or benefits, it demeans us all."

In the *Gratz v. Bollinger* case the Court found that the University of Michigan's undergraduate admissions policy was unconstitutional because it used a point system, giving students 20 points on a 100-point scale for being a member of a

**anti-Semitism**—prejudice or hostility toward Jewish people. **dissenting opinion**—a statement written by a judge that disagrees with the opinion reached by the majority of his or her colleagues. **injunction**—a judicial order that requires halting a specific action. **invalidated**—abolish or cancel. **parity**—equivalent in value. **proportionality**—keeping ratios between two particular groups in balance. **reparations**—financial compensation. **restitution**—making good for an injury or loss. **reverse discrimination**—discrimination against an individual or group that is usually or traditionally in the majority. **seizure**—the process of taking something. **stay**—form of an injunction which prohibits any further proceedings pending judicial review.

>continued on page 7