



## US Supreme Court Hears Racial Preference Case

Chris Simkins - October 10, 2012

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WASHINGTON — The U.S. Supreme Court heard arguments Wednesday in a case challenging the extent to which public universities can use race as a factor in considering student applications.

Outside the Supreme Court in Washington people gathered to have their opinions heard. The high court is deciding whether schools can consider race when admitting students. Some, like University of Texas student Jasmine Kyles, say race matters in building a diverse student body.

"Once we leave our classrooms we are going to step out into a world where everybody does not look like you, everyone does not think like you. So it is great. We get this feel of diversity inside the classroom, so when we go out and step into this global economy we know what we are up against," said Kyles.

The case involves Abigail Fisher, a white woman who was denied a place at the University of Texas, Austin in 2008. She and her supporters claim she had better grades than other students who were admitted, but was the victim of racial discrimination.

"Race and ethnicity should not be considered when applying to the University of Texas," said Fisher.

The University of Texas uses race as a factor in about 20 percent of admissions to achieve greater diversity in the classroom. Racial preferences are supported by more than 100 college and universities.

Walter Weber is senior counsel with the American Center for Law and Justice. He says colleges and universities should not use racial preferences in admissions.

"The administration of the University of Texas has admitted they are engaging in

race-based decision making. Our position is that it should be saying, "We are not going to consider race, we decide each application on its merits," said Weber.

NAACP Legal Defense Fund lawyer Josh Civin disagrees.

"Can universities have all tools in a tool kit to ensure that students of all backgrounds and of all races contribute to a learning environment that is diverse? We really think you should not take a tool out of that tool kit because it is so important for our future as a society, for the very fabric of our democracy," said Civin.

In 2003, the court found racial preferences in undergraduate admissions at the University of Michigan unconstitutional because it said they amounted to a quota system. But the court upheld affirmative action as practiced by the University's law school because race was only one factor in admissions.

Now the court is more conservative.

Cato Institute analyst Ilya Shapiro says the conservative majority could be key in the outcome.

"I think the university will lose. The only votes that I think are somewhat in play is Chief Justice Roberts and Justice Kennedy who are both on the record quite strongly against racial preferences," said Shapiro.

Analysts say the Supreme Court will look at whether to clarify the boundaries of racial preferences in college admissions or eliminate them altogether. That would be a sweeping decision, undermining admissions policies that go back to the 1960s.