



## Supreme Court to hear affirmative action case today involving LSU graduate

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The U.S. Supreme Court on Wednesday will hear oral arguments in the case of a recent LSU graduate who filed suit against the University of Texas at Austin, claiming she was denied admission because of her race.

Abigail Fisher, who is white, was rejected from UT Austin in 2008. She graduated from LSU earlier this year.

Her case, *Fisher v. University of Texas at Austin*, asks the court to rule on whether the university's consideration of race in admissions is constitutional.

Fisher filed suit against the school, arguing its consideration of race doesn't meet standards previously set by the high court. If the court rules against the university, it could potentially change the way schools across the nation talk about race.

"I'm hoping," Fisher told the New York Times, "that they'll completely take race out of the issue in terms of admissions and that everyone will be able to get into any school that they want no matter what race they are but solely based on their merit and if they work hard for it."

Dozens of individuals and organizations have given their input to the Supreme Court through [amicus briefs](#) -- 17 briefs filed to support Fisher and 73 in support of the university.

Among those signing onto briefs in support of Fisher are Republican Rep. Allen West, Ronald Reagan's attorney general Ed Meese and the libertarian Cato Institute. On the other side, the court is hearing from the likes of Democratic Senate leaders Harry Reid and Chuck Schumer, Teach for America and the American Psychological Association.

Dozens of organizations in favor of the school's system plan on holding a rally outside of the Supreme Court on Wednesday.

The Supreme Court set a precedent for the use of affirmative action in college admissions in 2003, when in [Grutter v. Bollinger](#) it rejected the use of racial quotas but said that schools could consider race as part of a "holistic" review of a student's application. In 2003, however, Justice Sandra Day O'Connor was the

swing vote in favor of the "holistic" approach. This year, the court's balance is tipped towards conservatives.

In the arguments submitted to the court, Fisher's lawyers argue that UT Austin's admissions process fails to meet the standards set by *Grutter*. If the Supreme Court concludes that the university's system does meet the standards set by *Grutter*, then Fisher's lawyers argue that the precedent should be clarified or overruled.

CUNY School of Law Prof. Ruthann Robson, who has [followed](#) *Fisher* at the Constitutional Law Prof Blog, told [CBSNews.com](#) that overruling *Grutter* would be a drastic move, politically speaking. By picking apart UT Austin's system, however, the court "could eviscerate *Grutter* without overruling it," she said.

If the court gave a critical ruling against UT Austin's system -- which already strives to consider race as a part of the "holistic" picture -- other schools would be hard pressed to defend their own consideration of race. Abigail Fisher wants college admissions to be "completely race neutral and race blind," Robson explained.

The University of Texas [argues](#) that a diverse student body is an indispensable part of training future leaders with "invaluable educational benefits." It argues that its admissions process meets the standards the court set in *Grutter* and other cases.