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Reaction to Supreme Court ruling affirmative action in college admissions

By Valerie Strauss - June 24th, 2013

Here is some reaction to the Supreme Court ruling issued Monday that sent a controversial case about affirmative action in college admissions back to a lower court. The ruling, involving a case against the University of Texas at Austin, did not bar colleges and universities from using race as a factor in making admissions decisions but did tell courts that they should look carefully at the schools' justifications for doing so.

Dennis Van Roekel, president of the National Education Association:

This decision leaves intact the legal framework that protects affirmative action, so we are pleased. And while we are disappointed that the Court did not completely affirm the University of Texas' modest affirmative action program we are also heartened by the Court's recognition that obtaining racially diverse classrooms can be a compelling government interest.

This decision allows the conversation to continue, and our hope is that the benefits that come from racial diversity in education will become evident as institutions of higher education continue to pursue these critical programs.

NEA partnered with People for the American Way and a coalition of unions (including the AFL-CIO, Service Employees International Union, American Federation of Teachers, and the American Federation of State, County, and Municipal Employees) to submit an amicus brief that highlighted the impressive body of research showing that affirmative action programs in education not only help address existing discrimination, but also plant the seed for a better, more just society.

We will continue to vigorously defend the use of affirmative action to produce truly diverse classrooms, ones in which all students are provided an equal educational opportunity to learn

how to succeed in our increasingly diverse society. It's important because the long-term benefits set in motion by programs like the one at the University of Texas at Austin have such a real and profound impact on the way society functions.

Additionally, this case reminds us how important our role is as educators and education advocates. We must fight for the investments that will drive change, value diversity, and achieve equity. Together, we need to ensure that all our students have what they need to succeed.

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Benjamin Todd Jealous, president and CEO of National Association for the Advancement of Colored People

We are pleased that the Court chose to affirm that there is a place for race in university admissions. There is a need and a benefit for our nation to ensure all students gets a close look and a fair shot. We remain optimistic that colleges and universities will continue to act to keep doors open to students of all backgrounds.–

Jim Rawlins, president of the National Association for College Admissions Counseling

We are encouraged that the court's decision is consistent with past decisions affirming the value of diversity in higher education, and affirming an institution's right to seek that diversity through its recruitment and admission processes. Given the court's emphasis on the strict standard of judicial scrutiny of institutional policies to consider applicants' race or ethnicity in the admission process, we are redoubling our efforts to support members in building recruitment and admission processes that withstand such scrutiny and assist them in maintaining their commitment to diversity, equity and access.

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Richard Kahlenberg, senior fellow at The Century Foundation who is a proponent of class-based affirmative action in higher education admissions:

The U.S. Supreme Court's decision to make it more difficult for universities to use racial preferences could have a profound national impact on the way universities admit students.

In the past, universities have given very heavy consideration to race in admissions, but virtually no consideration to economic disadvantage. Now the Supreme Court has ruled that judges 'must ultimately be satisfied that no workable race-neutral alternatives would produce the educational benefits of diversity.'

The Supreme Court decision making it more difficult the use race could effectively flip the relative importance universities give to class and race. Going forward, the Supreme Court

decision will encourage those universities that care about racial diversity to provide a break to economically disadvantaged students of all races before resorting to racial preferences.

While this decision is a setback for upper middle-class students of color, it is a victory for poor and working-class students of all races. The evidence from state universities where affirmative action has been banned by voter initiative suggests colleges won't give up on diversity but will find new ways to achieve it.

As a result, a conservative Supreme Court decision on race could lead to a progressive public policy response: more consideration of economic disadvantage in admissions, more financial aid for low-income students, a reduced emphasis on standardized tests, and the elimination of legacy preferences for alumni children. The emphasis on economic disadvantage has far stronger support among the public than racial preferences do.

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Ilya Shapiro, senior fellow in constitutional studies at the Cato Institute and editor-in-chief of the Cato Supreme Court Review:

The Supreme Court, by a 7-1 majority, correctly slapped down the lower court for deferring to the University of Texas regarding the use of race in admissions. It punted, however, on the larger question of whether that use of race is constitutional, instead instructing the Fifth Circuit to reconsider the issue under a less deferential standard of review, what lawyers call “strict scrutiny.”

While it's gratifying that the Court recognized that the judicial branch must exercise independent judgment on constitutional questions, it's unfortunate that it even gave UT-Austin a chance to further its claim. As Justice Thomas wrote in his concurrence, the use of racial classifications in university admissions is abhorrent to the idea of equal protection of the laws.

In short, this is a narrow victory for judicial engagement and subjecting government action to judicial review, but the Court avoided an opportunity to advance liberty without regard to race.

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Hunter Rawlings, president of the Association of American Universities:

Given that the Supreme Court has returned the case of *Fisher v. University of Texas* to the Fifth Circuit Court of Appeals for further review, a definitive decision by the Court remains for another day. AAU is pleased that the ruling does not overrule the Bakke, Grutter, or Gratz decisions, and leaves in place prior rulings that the educational benefits of broadly defined

diversity are a compelling interest for those colleges and universities that judge such diversity to be important to achieving their educational missions.

AAU and its member institutions believe that diversity—of ethnicity, race, socioeconomic background, gender, experience, and other factors—substantially increases the quality and value of education for all students, as well as the contributions that higher education can make to the nation and the world. As we seek to prepare students for the opportunities and challenges of life, citizenship, and leadership in the 21st century, the educational value of students of all backgrounds learning together and from each other is more important, not less. Ethnicity and race are among many factors that provide a context for an individual's experience and identity.

Our universities will continue to seek diversity, and will carry out these efforts within the law.