

Affirmative Action, Race-Conscious Admissions and the Supreme Court

February 16, 2023

14th Amendment

...nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Affirmative Action

- Originates in 1930s legislation about labor relations
 - Not specific to college admission
 - Not specific to race/ethnicity
- Defined broadly, there have been many examples of it all throughout American history
 - Homestead Act (1860s)
 - The New Deal and Federal Housing Administration (1930's)
 - GI Bill (1940s)
- Executive Order 10925 (1961) and Executive Order 11246 (1965)

Affirmative Action and the Supreme Court

- Plessy v. Ferguson (1896): public transportation, “separate but equal”
- Sweatt v. Painter (1950): UT Law school
- Brown v. Board of Education (1953): “segregation has a detrimental effect upon the colored children [and]...has a tendency to retard the educational and mental development of Negro children and deprive them of some of the benefits they would receive in a racially integrated school system.”
- Executive Order #10925 (1961): “take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, or national origin.”
- Civil Rights Act of 1964: discrimination based on race was prohibited

Affirmative Action and the Supreme Court

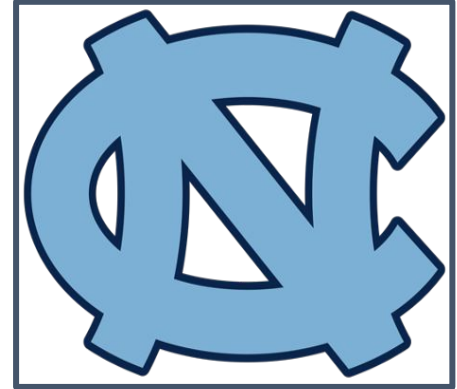
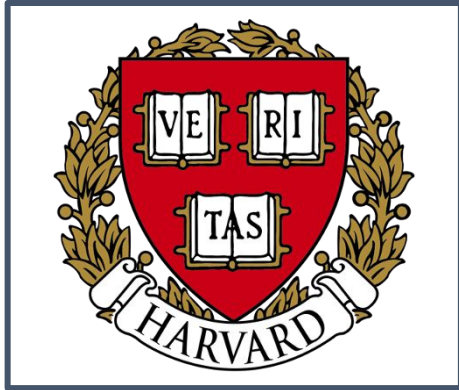
- Bakke (1978): race=good, quotas=bad
- Hopwood v. The University of Texas (1996): 5th Circuit appealed to SCOTUS who declined to hear it
- Prop 209 (1996) in CA led to % plans across the country
- Grutter v. Michigan and Gratz v. Michigan (2003):
 - Grutter: race=good; Gratz: point system=bad
- Fisher v. The University of Texas (I-2013 and II-2016): SCOTUS ruled in favor of UT both times.
- Students for Fair Admission v. UNC and SFA v. Harvard (2022)

Race-Conscious Admission, Holistic Review and Why It's Important



The Current Cases

SFFA v. Harvard and SFFA v. UNC



The Current Cases

SFFA v. Harvard and SFFA v. UNC



The Current Cases

Amicus Briefs: NACAC and ACCIS



The Current Cases

Possible Outcomes and Impact



It Depends...

What's Next?

**What does this mean for college admissions
moving forward?**

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