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Legal Defense Fund, Advancing Justice – AAJC, Lawyers' Committee, and North Carolina Justice Center Reaffirm Support for Race-Conscious Admissions Policy in *SFFA v. Harvard* and *SFFA v. UNC*

Public and private universities have instituted race-conscious admissions policies to combat the race-based barriers that continue to pervade our society. Civil rights organizations the Legal Defense Fund (LDF), Asian Americans Advancing Justice – AAJC, Lawyers' Committee for Civil Rights Under Law, and the North Carolina Justice Center confirm support for race-conscious admissions and affirmative action in higher education as the opposition submits a brief to the U.S. Supreme Court today in *SFFA v. Harvard University* and *SFFA v. University of North Carolina at Chapel Hill (UNC)*. The opposition's brief is part of a concerted racialized attack on access to highly-selective institutions of higher learning.

Janai Nelson, President and Director-Counsel of the Legal Defense Fund: “The Supreme Court has held for more than 40 years that race is an important and permissible consideration among many factors within a holistic admissions process for higher education. A race-conscious and holistic admissions process is vital to counteract the entrenched biases and barriers to opportunity that unfairly disadvantage qualified, hardworking students of color. Learning among students who have different backgrounds and experiences allows for stronger critical thinking skills, broadened perspective, understanding and overall knowledge, which are essential for young adults to succeed in an increasingly diverse society. Without holistic race-conscious admissions, colleges and universities across the country, and all students who attend them, would be deprived of the significant educational benefits of racial and ethnic diversity inside and outside the classroom.

“Today’s filing is the latest tactic in a broader strategy to erase and deny the experiences of people of color. As our country experiences a resurgence of white supremacy, it is as important now as ever before that our future leaders be educated in a learning environment that exposes them to the rich diversity that our country has to offer, so they may be fully prepared to meet the challenges of our democracy and help perfect it.”

John C. Yang, president and executive director of Asian Americans Advancing Justice – AAJC: “Students of color continue to experience systemic and interpersonal racism that detrimentally affect their educational opportunities, including Asian Americans who struggle against dehumanizing stereotypes. Race-conscious admissions policies allow higher education institutions to take into account the entirety of each student’s assets, a critical step towards educational equity. The opposition is using a small number of Asian Americans as a racial wedge to try to dismantle race-conscious admissions policies they were unable to do with white plaintiffs.

Race is one small factor in the admissions process but no student of color should be told their whole story is not important. Being able to talk about how their race has played a factor in their lives is part of their story, part of my story and should not be ignored. The fact is that [seventy percent of Asian Americans support Affirmative action](#). Race-conscious admissions policies in higher education have been consistently upheld by the Supreme Court for more than 40 years and we will fight to keep it that way for years to come.”

Damon Hewitt, President and Executive Director of the Lawyers’ Committee: “Affirmative action and race-conscious admissions policies are essential tools to advance educational opportunities for Black, Latinx and other students of color. The Harvard and UNC admissions plans carefully follow more than forty years of Supreme Court precedent and have the support of people across the political spectrum. The consideration of race—by both schools—is limited and is along the lines of the policies used by colleges and universities for decades. These policies enrich institutions of higher learning and have proven to benefit all students, regardless of race. Addressing barriers to diversity and inclusion has proven to help schools, workplaces, and our nation as a whole become stronger. The policies at issue in this case are no different.”

Sarah Laws, Leslie J. Winner Public Interest and Civil Rights Fellow at the North Carolina Justice Center: “UNC-Chapel Hill must confront its history of racial discrimination and acknowledge the isolation and tokenization that many students of color continue to experience at UNC today. Race-conscious admissions programs have been repeatedly upheld as constitutional by the Court and are crucial to achieving an equitable campus where all students’ identities are valued and protected.”

Supporting affirmative action is investing in our country’s future. All students, regardless of their race or gender, deserve a chance to share their whole story that is inclusive of their background and lived experiences, in addition to their outstanding academic achievements. We stand in solidarity with other civil rights advocates and students of color in support of an education system that reflects the diversity of America in which all students have a fair shot at educational opportunities that enable them to thrive and succeed.

Background:

In January 2022, the U.S. Supreme Court announced its decision to hear two cases – *SFFA v. Harvard* and *SFFA v. UNC* – that seek to upend over 40 years of precedent permitting universities to flexibly consider race to pursue the profound benefits that flow from student body diversity. Our coalition of civil rights organizations are representing a multi-racial group of students, alumni, and organizations who have successfully helped to secure

victories for race-conscious admissions at the trial and appellate levels in both the Harvard and UNC cases.

In *SFFA v. Harvard*, Asian Americans Advancing Justice – AAJC on behalf of the Advancing Justice affiliation, the Lawyers’ Committee for Civil Rights Under Law, Lawyers For Civil Rights and pro bono counsel Arnold & Porter represent Harvard students and alumni of color who were granted enhanced amicus status. The multiracial group of students were previously represented by Advancing Justice – LA and other co-counsel before the U.S. District Court of Massachusetts, where the student amici shared how consideration of race safeguards against discrimination and ensures candidates’ full life experience can be shared and recognized. LDF also represented multiracial student and alumni Harvard organizations. On behalf of these diverse students and alumni, counsel filed [amicus briefs](#) and provided oral argument before the First Circuit in support of race-conscious admissions.

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Asian Americans Advancing Justice – AAJC has a mission to advance the civil and human rights of Asian Americans and to build and promote a fair and equitable society for all. Visit our website at advancingjustice-aaajc.org

About the Lawyers’ Committee for Civil Rights Under Law – The Lawyers’ Committee for Civil Rights Under Law (Lawyers’ Committee), a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. The principal mission of the Lawyers’ Committee for Civil Rights Under Law is to secure, through the rule of law, equal justice for all, particularly in the areas of voting rights, criminal justice, fair housing and community development, economic justice, educational opportunities, and hate crimes. For more information, please visit <https://lawyerscommittee.org>.

Founded in 1940, the Legal Defense Fund (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).

The North Carolina Justice Center is one of the state’s preeminent voices for economic and social justice. As a leading progressive research and advocacy organization, the NC Justice Center works to eliminate poverty in North Carolina by ensuring that every household in the state has access to the resources, services, and fair treatment it needs to achieve economic