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First Circuit Court of Appeals Affirms Lower Court's Judgment that Harvard's Race-Conscious Admissions Program is Legal and Permissible

Today, the First Circuit Court of Appeals affirmed a Massachusetts federal district court's ruling that Harvard College's race-conscious admissions program does not violate Title VI of the Civil Rights Act of 1964. Filed in November 2014, *Students for Fair Admissions (SFFA) v. Harvard* seeks to end the limited consideration of race within a holistic admissions process to foster the educational benefits of diversity. The appeals court's ruling marks another win in the fight for equal access to higher education.

The NAACP Legal Defense and Educational Fund, Inc. (LDF) and local counsel Sugarman Rogers represent 26 Harvard student and alumni organizations comprised of thousands of Black, Latinx, Asian American, Native American, and white students and alumni as amici curiae, or "friends of the court," in this lawsuit. These amici provided a unique and important perspective about the importance of racial diversity and inclusion at Harvard.

"Today's decision rightly follows what the Supreme Court has consistently held over the past four decades: that race is an important and permissible consideration among many factors within a holistic admissions process for higher education," said LDF Senior Deputy Director of Litigation Jin Hee Lee. "A race-conscious and holistic admissions process is vital to counteract the entrenched biases and barriers to opportunity that can disadvantage qualified and hardworking students of color with criteria like standardized test scores. Colleges and universities must consider the myriad ways a student applicant can contribute to the educational benefits of diversity, which most certainly includes racial and ethnic diversity. We applaud the court's important recognition that a one-third reduction of Black students at Harvard is an unacceptable step backward that would diminish the educational experience of all students, regardless of their race or ethnicity."

"As our country continues to confront the harsh reality of the ongoing and deepening racial divide even as our population grows more diverse, it is imperative that educational institutions like Harvard foster racial and ethnic diversity to prepare our future leaders for the important challenges ahead," said LDF President and Director-Counsel Sherrilyn Ifill.

"For our 1,600 student and alumni members, the diversity we experienced at Harvard has been vitally important to our education, careers, and lives," said Jane Sujen Bock, a Coalition for a Diverse Harvard board member. "We are thrilled that today's decision affirms that Harvard's consideration of race in its admissions process – which is necessary to achieve that diversity – is consistent with Supreme Court precedent. It is impossible to view applicants in their full humanity without allowing colleges to consider the entirety of a student's story, in which race may play a critical role."

As the First Circuit explains, "a meaningful reduction in representation – and a 32% reduction in African American representation is clearly meaningful – would make Harvard

less attractive and hospitable to minority applicants while limiting all students' opportunities to engage with and learn from students with different backgrounds from their own."

"Higher education serves a critical role in equipping future leaders with the cultural acumen and empathy to lead in a globalized world," said Shirley Cardona, Co-President of the Harvard Latino Alumni Alliance (HLAA). "Now more than ever, we need to elevate diverse perspectives that will help serve as the bridge that will heal a divided world. The Harvard Latino Alumni Alliance celebrates this ruling as a major win for education, equity, and the rule of law. It is a strong signal to colleges and universities across the country that they can continue to do the arduous work of shaping diverse student bodies that elevate the learning experience for all."

SFFA v. Harvard is one of multiple efforts by conservative, anti-civil rights activist Edward Blum to end holistic admissions practices, including *Fisher v. University of Texas*, in which the Supreme Court rejected Blum's attempt to ban race-conscious admissions. For more than 42 years, the United States Supreme Court has repeatedly reaffirmed that colleges and universities have the right to consider race, as one of many factors, in their admissions process.

LDF is a leading voice in the decades-long struggle for equitable college admissions policies, from its early efforts to desegregate colleges and universities throughout the Jim Crow South to its ongoing advocacy for the continued use of race-conscious admissions policies in higher education. Visit www.defenddiversity.org to learn more about LDF's efforts in this case.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (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 NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).