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In An Alarming Departure from Long-Settled Precedent, U.S. Supreme Court Holds Harvard and UNC's Admissions Practices Unconstitutional

Today, the Supreme Court bowed to pressure from anti-civil rights activists, finding that Harvard and the University of North Carolina's affirmative action programs violate the Equal Protection Clause of the Fourteenth Amendment. This radical decision comes at a time when efforts to advance opportunity in education have been under attack across the country, and the need for such programs remains acute. The Court's decision is contrary to 45 years of precedent established in prior Supreme Court decisions, including *Regents of the University of California v. Bakke*, *Grutter v. Bollinger*, and *Fisher v. University of Texas*. However, the Court's ruling still allows colleges to consider how race has affected a student's life and their ability to contribute to the educational institution.

The Legal Defense Fund (LDF) represents twenty-five Harvard student and alumni organizations of thousands of Black, Latinx, Asian American, Native American, and white students and alumni as amici curiae, or "friends of the court," in the Harvard lawsuit. LDF presented members of its client organizations as witnesses at the 2018 Harvard trial and submitted briefs and oral argument on their behalf to the federal district and appeals courts which upheld the legality of Harvard's admissions process. LDF also represents the NAACP as amicus curiae in the UNC lawsuit.

"We roundly condemn and regard with alarm the Supreme Court's decision to strike down Harvard and UNC's affirmative action programs, ignoring its own long-standing precedent, and distorting the legacy of the seminal decision in *Brown v. Board of Education* — which held that society must not turn a blind eye to racial inequality and can take necessary measures to address it. We know that race still unquestionably matters in our society — particularly for Black people and others whose race has shaped their lived experiences in a country rooted in a history and current reality of racial injustice." said Janai Nelson, LDF President and Director-Counsel. "Despite the Supreme Court's opinion today, colleges and universities still have a moral imperative and the legal ability to ensure that their doors are open equally to all students, including Black, Latinx, Native American, Hawaiian, Pacific Islander, and Asian American applicants. Even under the terms of this unfortunate decision, all students continue to have the freedom and opportunity to have their full identities, including the impact of race on their lived experiences, considered when seeking admissions to institutions of higher education.

As Justice Sotomayor wrote in her dissent, which lifted up LDF's [brief](#) in the UNC case, "The Court's recharacterization of Brown is nothing but revisionist history and an affront to the

legendary life of Justice Marshall, a great jurist who was a champion of true equal opportunity, not rhetorical flourishes about color blindness.”

“The Supreme Court chose to ignore well-established social science, pedagogy, and the lived experience of many Americans who know that bringing together people of different backgrounds makes our classrooms better and our nation stronger,” added Nelson. “We stand firmly with our clients — the Harvard student and alumni organizations that are directly affected by this decision and the NAACP — as they continue to demand admissions policies that foster opportunity for all.”

The following are statements from the amici curiae:

“Asian American students have long been used as a pawn in the conversation against affirmative action, and we refuse to feed into that false narrative,” Michelle Jiang, Class of 2026, Co-Educational/Political Chair, Harvard-Radcliffe Chinese Students Association. “Asian students come from a multitude of ethnic backgrounds and experiences, many of which are underrepresented in higher education and benefit from affirmative action. All students benefit from a diverse and representative student body. We firmly believe in the necessity of affirmative action in higher education and are extremely disappointed in the Supreme Court’s ruling today. We will continue to work together with other organizations to advocate for racial equity in higher education. The fight does not end here.”

“Higher education is one way historically underrepresented and segregated communities attain the knowledge and resources they can use to uplift their communities,” said Gilberto Lopez-Jimenez, Class of 2025, Co-President, Fuerza Latina. “Often, those who are part of cultural affinity groups in higher ed advocate and seek to close the equity gap. Currently, student life at Harvard is vibrant thanks to the students from all walks of life who contribute to it. Despite the Supreme Court’s ruling, organizations like Fuerza Latina will keep fighting to advocate for underrepresented communities. My biggest concern, however, is how sustainable this would be in the long run when there is less minority representation on campus, and it is thus more challenging to maintain and find people who would be part of these groups.”

“This detrimental decision not only compromises the integrity of the admissions process but also poses a significant threat to the future of the Black community on and beyond our campus. This case will impact not only Harvard and UNC, but will require a national review of college admissions,” said the Harvard Black Students Association. “It is evident that the college application system cannot maintain holistic evaluation without taking into consideration how race profoundly influences our experiences, perspectives, and identities in multifaceted ways - considerations that are still permitted by the Supreme Court’s decision and must continue to avoid complete erasure of our stories, contributions, and selves.

Jane Sujen Bock (’81), Board Member, Coalition for a Diverse Harvard

“This case was never just about who goes to Harvard. It’s about who has the freedom to learn and to thrive in our multiracial democracy. Regardless of the Supreme Court’s ruling, we will continue to fight for educational equity and diverse and inclusive American institutions. Since this case was brought eight years ago, it has been inspiring to see unity and determination growing nationally in the face of conservative attacks. There will be no going back for the

thoughtful and brilliant student leaders we work with, and we will be with them every step of the way.”

Lena Tinker ('25) & Kira Fagerstrom ('24), Co-Presidents, Natives at Harvard College

“Native people have been forcibly placed on the bottom of the American social order since their land was first stolen in the 1400s. Globally, Indigenous peoples face similar realities, and we have been fighting to gain our rights and opportunities ever since. It is imperative that colleges and universities be allowed to consider Indigenous realities when determining admissions. Affirmative action is nowhere near enough to right the wrongs of the past, but it provides an opportunity to help Indigenous peoples build success for themselves and their communities by gaining access to higher education institutions.”

Hiren Lami '24, President, Phillips Brooks House Association

“Race-conscious admissions policies give students the opportunity to present their full selves in college applications. and are necessary to counter the historical structural inequities that have limited the potential of young learners for far too long. As service leaders, we have a responsibility to hold the door open for the advocates and organizers of tomorrow. PBHA holds diversity and justice as core values that ground the work we do in Greater Boston. We will continue to advocate for the space to celebrate, uplift, and respect the diversity of our campus community.”

Sneha Shenoy '25 and Srija Vem '25, Co-Presidents, Harvard South Asian Association

“On behalf of the Harvard South Asian Association, we emphasize the importance of race-conscious policies in holistic admissions. Affirmative action allows for substantial aspects of a student’s identity to be valued alongside quantitative (and often inequitable) measures of their success. Moreso, these policies help build diverse learning environments, fostering thought-provoking conversation and the inception of new initiatives. Thus, we are fearful that the Supreme Court’s ruling in favor of SFFA will not only deprive historically disadvantaged students of just opportunities, but also other students, colleges, and the greater community of their contributions.”

Chelsea Wang ('25) and Kylan Tatum ('25), Co-Presidents of the Harvard-Radcliffe Asian American Association

“The Court’s decision today to abandon race-conscious admissions will restrict educational opportunities for students of color and reverse generations of progress. Individuals will lose access to the educational institutions that facilitate social mobility and break cycles of poverty; families will lose the support, pride, and hope that comes from sending students to college; communities will lose the role models that show us change is possible, that we can make it out, that people that look like us can exist in spaces built to keep us out. This ruling does not mark the end of our efforts to ensure racial equity in higher education. The Harvard-Radcliffe Asian American Association will, now and always, advocate for diversity and cross-racial solidarity. In doing so, we hope to honor the culture of collectivism and care that defines our heritage. We stand with all students of color, united against injustice.”

LDF has been part of every Supreme Court case defending affirmative action in higher education and 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 advancing equal opportunity in higher education. Visit www.defenddiversity.org to learn more about LDF's efforts.

The 25 Harvard student and alumni organizations serving as amici curiae are listed below:

Association of Black Harvard Women (“ABHW”)
Coalition for a Diverse Harvard (“Diverse Harvard”)
First Generation Harvard Alumni (“FGHA”)
Fuerza Latina of Harvard (“Fuerza Latina”)
Harvard Asian American Alumni Alliance (“H4A”)
Harvard Asian American Brotherhood (“AAB”)
Harvard Black Alumni Society (“HBAS”)
Harvard Islamic Society (“HIS”)
Harvard Japan Society (“HJS”)
Harvard Korean Association (“HKA”)
Harvard Latino Alumni Alliance (“HLAA”)
Harvard Minority Association of Pre-medical Students (“MAPS”)
Harvard Phillips Brooks House Association (“PBHA”)
Harvard Progressive Jewish Alumni (“HPJA”)
Harvard South Asian Association (“SAA”)
Harvard University Muslim Alumni (“HUMA”)
Harvard Vietnamese Association (“HVA”)
Harvard-Radcliffe Asian American Association (“AAA”)
Harvard-Radcliffe Asian American Women’s Association (“AAWA”)
Harvard-Radcliffe Black Students Association (“BSA”)
Harvard-Radcliffe Chinese Students Association (“CSA”)
Kuumba Singers of Harvard College (“Kuumba”)
Native American Alumni of Harvard University (“NAAHU”)
Native Americans at Harvard College (“NAHC”)
Task Force on Asian and Pacific American Studies at Harvard College (“TAPAS”)

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Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation’s first civil rights law organization. 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. Please note that 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.

