UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

20–1199v.

STUDENTS FOR FAIR ADMISSIONS, INC., PETITIONER	**v.**	**PRESIDENT AND FELLOWS OF HARVARD COLLEGE**

on writ of certiorari to the united states court of appeals for the first circuit

21–707v.

STUDENTS FOR FAIR ADMISSIONS, INC., PETITIONER	**v.**	**UNIVERSITY OF NORTH CAROLINA, et al.**

on writ of certiorari before judgment to the united states court of appeals for the fourth circuit

June 29, 2023

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CHIEF JUSTICE ROBERTS OPINION

SUPREME COURT OF THE UNITED STATES

STUDENTS FOR FAIR ADMISSIONS, INC.,
Petitioner
V.
PRESIDENT AND FELLOWS OF HARVARD COLLEGE
on writ of certiorari before judgment to the united states court of appeals for the fourth circuit

STUDENTS FOR FAIR ADMISSIONS, INC.,
Petitioner
V.
UNIVERSITY OF NORTH CAROLINA, et al.
on writ of certiorari before judgment to the united states court of appeals for the fourth circuit

June 29, 2023

NARRATIVE SUMMARY OF OPINION OF THE COURT DELIVERED BY CHIEF JUSTICE JOHN ROBERTS

In these cases the Court considered whether the admissions systems used by Harvard College and the University of North Carolina, two of the oldest institutions of higher learning in the United States, are lawful under the Equal Protection Clause of the Fourteenth Amendment.

I

A

Harvard College, founded in 1636, has a highly selective application process. In the last year, over 60,000 hopefuls applied with fewer than 2,000 admitted. Acceptance factors range from grades, recommendation letters to overcoming adversity and may take into account an applicant's race [980 F.3d 157, 166–169 (CA1 2020)].

The Multistep admissions process at Harvard starts with an application screening by a 'first reader' who assigns scores to six areas namely: academic, extracurricular, athletic, school support, personal, and overall. A "1" is the best possible score, and "6," the worst. The "first readers" may also consider an applicant’s race in the process.

Subsequently, admissions subcommittees with region-wise representation evaluate the applicants in a three to five-day meeting and present their recommendations to the full admissions committee, considering the race of applicants.

The full committee of 40 members dives into the list of applicants recommended by the subcommittees. In the initial discussion, applicants' racial breakdown is laid out with the aim of avoiding a major drop-off in minority admissions as per Harvard's director of admissions. Each candidate is discussed individually with a required majority of votes for tentative acceptance. Afterward, the racial composition of the tentatively accepted students batch is revealed to the committee [980 F. 3d, at 170; 2 App. in No. 20–1199, at 861].

The final stage involves trimming the list of tentatively admitted students. The ones considered for withdrawal at this point are put on a 'lop list,' which includes four details: legacy status, recruited athlete status, financial aid eligibility, and race. In the 'lop' process, the race factor comes into play [980 F. 3d, at 170; 397 F. Supp. 3d 126, 144 (Mass. 2019)] and the admission of the final class is thus determined. In Harvard's process, "race is a determinative tip for" a considerable proportion "of all admitted African American and Hispanic applicants" [Ibid. at 178].

B

The University of North Carolina (UNC), established shortly following the ratification of the Constitution, is known as the first public university of the U.S. It is highly selective like Harvard, attracting nearly 43,500 applications for its freshman class of 4,200 per year. The first review of each application is conducted by one of roughly 40 admissions office readers. Each reader gets around five applications per hour. These readers factor in race and ethnicity alongside several other criteria such as academic performance, standardized testing results, extracurricular activities, essay quality, personal factors, and student background. Admissions decisions are mainly provisional, shaped by numerical ratings given for academics, extracurriculars, personal qualities, and essays. During the period of litigation, underrepresented minority students were more likely to score higher on personal ratings than white and Asian American peers, but were often rated lower on their academics, extracurricular activities, and essays.

A reader's recommendation on a student's admission involves a justifiable comment and may include racial "plus" factors significant to the individual case. The admissions decision then moves onto the 'school group review' stage where experienced staff members review every initial decision by the readers. They receive a comprehensive report on each student — encompassing class rank, GPA, test scores, ratings from initial readers, and their status (residents, legacies, or special recruits) and either approve or reject each admission recommendation. The final decision may also take into account the applicant's race.

C

Established in 2014, the petitioner, the nonprofit Students for Fair Admissions (SFFA), exists to defend equal protection under law. SFFA sued Harvard College and the University of North Carolina in 2014, alleging their race-based admissions violated Title VI of the Civil Rights Act of 1964 and the Fourteenth Amendment's Equal Protection Clause, respectively. Following bench trials in both cases, the District Courts determined their programs were in line with race usage precedents in college admissions after a 15-day trial (Harvard) with 30 witnesses, and an eight-day trial (UNC). The First Circuit affirmed Harvard’s legal process. Certiorari was granted for the Harvard case, and certiorari before judgment for the UNC case. (980 F. 3d, at 164, 179, 204; 567 F. Supp. 3d, at 585–586, 588; 595 U. S. ___ (2022)).

II

Before examining the merits, we must assure ourselves of our jurisdiction, as asserted by Summers v. Earth Island Institute. UNC contends that SFFA lacks standing as it's not a genuine membership organization. However, this argument has been consistently rejected, and we do likewise. Article III of the Constitution restricts judicial power to real disputes. To establish a case under this article, a plaintiff needs to demonstrate injury, causation, and potential redress through a favorable decision. In instances where the plaintiff is an organization like SFFA, the requirements of Article III can be met if the organization claims injury or represents standing for its members.

To achieve representational standing, the organization must show members could sue in their own right, the interests it seeks to protect are aligned to its mission, and the claim doesn't necessitate individual members’ participation. It's undisputed that SFFA meets this three-part test. The respondents contend that SFFA wasn't a genuine membership organization when it filed the suit and ergo couldn't invoke representational standing.

According to the respondents, our decision in Hunt suggests that organizations can only qualify if controlled and funded by their members. As SFFA’s members did neither at the litigation's commencement, respondents argue SFFA couldn't represent its members for Article III standing.

Nevertheless, the Hunt decision doesn't apply here. Unlike the state agency discussed in that case, SFFA is indisputably a voluntary membership organization with identifiable members. At the time of filing the suit, it was a valid nonprofit with forty-seven members supporting its mission. In the UNC litigation, SFFA represented four members specifically, those denied admission into UNC. These members have committed to SFFA, support its mission, receive case updates, and have had the chance to guide SFFA’s case. Where an organization has identifiable

members and represents them genuinely, no further scrutiny into its operations is needed. Since SFFA meets the standing prerequisites demanded of organizational plaintiffs in Hunt, its obligations under Article III are fulfilled.

III

A

Following the Civil War, the Fourteenth Amendment was passed, prohibiting state laws that denied equal protection to any citizen. This clause was seen as foundational, promoting absolute equality of all citizens without basing distinctions on race or color. This amendment was originally embraced by the Supreme Court, stating that all individuals, regardless of race, should have equal standing before state laws.

However, this commitment to the Equal Protection Clause was not upheld over time. State-sanctioned segregation became a norm, with the Court even advocating a "separate but equal" regime in Plessy v. Ferguson. It took over a half-century, in Brown v. Board of Education, for the Supreme Court to finally reject segregation and upend the doctrine of "separate but equal."

The Court established that public education must be available on equal terms to everyone, eliminating the use of race as a factor in public education. The same principles extended to other aspects of life, such as the invalidation of racially segregated public facilities and spaces. The Court's decisions aimed to uphold the Fourteenth Amendment’s purpose to eliminate racial discrimination.

Any exceptions to equal protection had to survive a strict examination, known as "strict scrutiny," demanding compelling governmental interests and necessity—a narrowly tailored use of race. Only remediating specific past discrimination and immediate risks to human safety have been accepted as valid reasons for race-based actions. The Supreme Court emphasizes any racial distinctions in law are contrary to the principle of equality the nation is founded upon, and should only be used in exceptional cases.

B

The cases question if a university's admissions decisions can be based on an applicant's race. The first case, Regents of University of California v. Bakke, was about a quota system at the University of California, Davis, medical school. The school reserved 16 of its 100 seats for certain minority groups. However, Allan Bakke, despite having higher grades and MCAT scores

than some admitted minority applicants, was refused admission two times. Bakke then sued, claiming the quota system was a breach of the Equal Protection Clause.

In a split decision, the Court partially sided with both Bakke and the school. Justice Powell, while supported by no others on the Court, created a prevailing opinion which now serves as the basis for constitutional analysis of race-conscious admission policies. He argued that three of the four justifications the school provided were not compelling enough. However, he sided with the school's interest in achieving the educational benefits of a diverse student body, stating universities have academic freedom rights to decide their own admissions.

Justice Powell expressed that certain practices were not permissible, though. He explained that because of our constitutional and demographic history, any racial and ethnic classifications were inherently suspect and were subject to scrutiny. Universities couldn't use a quota system where a certain number of seats are reserved for a specific ethnic group, for instance. They also couldn't completely discount a person's application on the basis of race.

Race, according to Justice Powell, could only be employed as a "plus" factor in an applicant's file. This means that it must be weighed flexibly against all other elements of diversity, considering the uniqueness of each applicant— a concept that he modeled off Harvard College's admission system at the time.

However, there was no consensus among the other Court members. Four Justices believed the government can use race to rectify the effects of past societal discrimination, while four others argued the program contravened principles embedded in the Constitution and morality of the time: the prohibition against racial discrimination.

C

Following the confusion around our divided Bakke decision, we sought to clarify whether Justice Powell's perspective was indeed "binding precedent." The matter re-emerged in Grutter v. Bollinger (2003), which examined University of Michigan law school's use of race in admissions. The Court, in another divided decision, agreed with Justice Powell that student body diversity is a legitimate interest that can necessitate race consideration in admissions.

Borrowing from Justice Powell's analysis extensively, the Court ruled that while the Law School's belief in the necessity of diversity is respected, it still had to observe certain restrictions in achieving that goal, mirroring Powell's position. Foremost, it couldn't set racial quotas or create separate admissions tracks for certain racial groups or shield certain racial or ethnic applicants from competition. The intent to fill a certain percentage based solely on race or ethnicity was also disallowed.

Such constraints were meant to ward off two risks inherent to race-based action: the risk of illegal stereotyping, and using race as a discriminator rather than a supplement. The use of race, hence, couldn't unduly harm non-minority applicants.

Yet, despite these safeguards, Grutter expressed unease with race-based admissions, warning that racial classifications, regardless of their purpose, can be perilous. The Court underlined that all race-based action should aim to minimize harm and under ongoing scrutiny.

Attempting to regulate these worries, Grutter decreed that race-based admissions systems must eventually end. Grutter stressed that these programs should have a reasonable lifespan and must end voluntarily. Insisting on the end of such systems was a compromise made with the Constitution's equal protection promise. Any permanent justification for racial preferences would violate the principle of equal protection.

Thus, Grutter concluded with an expectation that in another 25 years, the use of racial biases wouldn't be necessary for achieving the diversity.

IV

Two decades on, Harvard and UNC's race-based admissions continue indefinitely. They argue their necessity, yet the boundaries set for such practices are overstepped. Universities must employ strict scrutiny, refrain from negative stereotyping via race, and eventually cease these practices. However, the respondents' admission systems, despite good intentions, are in violation of these principles. Consequently, in accordance with the Fourteenth Amendment's Equal Protection Clause, they must be invalidated.[4]

A

The Court ruled that race-based admissions programs must be run in a way to allow judicial review, citing past court cases Edmonson v. Leesville Concrete Co., 500 U.S. 614, 619 (1991) and Fisher v. University of Tex. at Austin, 579 U.S. 365, 381 (2016) (Fisher II). Both Harvard and UNC declared certain educational benefits as a result of their race-based admissions, but these were seen as not measurable or coherent enough for strict scrutiny. These vague goals do not have an understandable standard, rendering them impractical for judicial scrutiny.

The Court pointed out lack of clarity in how court is to measure these goals, citing previous cases like Johnson, 543 U.S., at 512–513, Franks v. Bowman Transp. Co., 424 U.S. 747, 763 (1976), and Dayton Bd. of Ed. v. Brinkman, 433 U.S. 406, 420 (1977). The argument being, if quantifiable standards can be applied in other contexts, why not here?

Moreover, universities' division of students into racial categories was seen as unclear and even potentially counterproductive to their aims. For example, grouping all Asian students together potentially ignores the lack of representation for different Asian subgroups prompting Justice Roberts to cite a Pew Research Center report on the fluid nature of Hispanic or Latino identity in the U.S. The use of these broad racial categories was thus seen as undermining rather than promoting the universities' goals of diversity.

Finally, while universities may claim their expertise on the matter and ask for deference, the Court insisted that this does not mean abandoning judicial review. These race-based programs were seen as lacking the "most exact connection between justification and classification" - a standard cited from Gratz v. Bollinger, 539 U.S. 244, 270 (2003). Therefore, the programs were not accepted as they stand.

B

The race-based admissions systems employed by respondents fail to adhere to the Equal Protection Clause's requirement that race must not be used as a “negative” nor as a stereotype. Evidence indicates that the consideration of race in Harvard’s admissions system led to an 11.1% decrease in Asian-American admissions and fewer admittance of Asian American and white students overall. Respondents’ claim that each applicant’s race is never regarded as a negative in their systems cannot hold up under scrutiny.

While Harvard argues that preference given to certain characteristics in applicants does not translate into a negative for those who lack them, such an argument falls short when considered in a zero-sum context such as college admissions. The respondents' claim that race only impacts a small portion of admissions decisions contradicts their assertion that removal of race-based admissions would significantly alter the demographic make-up of their student body. If absence of consideration of race would result in higher admissions rates for certain racial groups, then race has indeed been used as a "negative." Equal protection under law does not sanction the unequal imposition of such inequalities.

Additionally, respondents' programs endorse unlawful racial stereotype through their premise that race inherently adds value. This contradicts our longstanding prohibition against the assumption that individuals of the same race share identical viewpoints or characteristics. Yet, both Harvard and University of North Carolina's admission processes are predicated on the erroneous stereotype that certain racial backgrounds inherently bring unique insights others cannot offer.

This Court firmly rejects the government favoring individuals merely based on their race. The Equal Protection Clause is predicated on the principle that individuals should not be treated differently solely based on their skin color. It's demeaning to judge a person by their ancestry rather than their merits or qualities. By admitting students based on race, universities mistakenly assume that individuals of a particular race think alike, and this in turn propagates harmful stereotypes that scrutinize individuals as the product of their race, which goes against the core constitutional principle of equality before the law and causes continued hurt and injury.

C

Respondents' admissions programs lack a logical endpoint, failing to offer a clear metric to evaluate "meaningful representation and diversity" without strict numerical benchmarks. Harvard and UNC's admissions programs rely largely on racial balancing, which we've established to be unconstitutional as it negates the individuality of citizens. They aim for a rough racial percentage, ensuring race will always be a factor. Respondents argue the need for race-based admissions will end when diversity benefits are evidently achieved, but this is challenging to measure, as confirmed by UNC.

Respondents also propose their race-based preferences extend for a minimum of another five years, referring to a statement in Grutter. This is the Court's viewpoint that by 2028 these preferences would no longer be needed, yet there is skepticism that Harvard and UNC will eliminate these admission criteria within this timeframe due to their consideration of racial criteria possibly extending beyond the suggested timeline.

Respondents argue their programs' continual review justifies their indefinite continuation. However, periodic review doesn't justify unconstitutionality and programs have to inevitably terminate. Harvard admits its program has no endpoint and its mindset towards racial considerations remains unchanged, nearly half a century old. Similarly, UNC hasn't set an expiry date for its program, suggesting a potential increase in its race dependency. This suggests no immediate compliance with the Equal Protection Clause from respondents.

V

The dissenting opinions aim to uphold the respondents' admissions programs based on their belief that the Fourteenth Amendment allows state entities to rectify societal discrimination through overtly race-related actions. However, this Court has consistently refuted such propositions.

The dissenters' interpretation of the Equal Protection Clause is not novel. In Bakke, Justice Powell rejected the idea that societal discrimination can justify race-related admissions

programs--a view later adopted by the Court. Subsequent rulings continuously found that combating societal discrimination doesn't justify race-based state action.

The dissenting justices overlook these facts. They neglect to cite past judgements and disregard case legal precedent. Their reliance on a dissenting view in Bakke fails to support their argument. The dissents' desired interpretation contravenes the spirit and letter of the Equal Protection Clause's central principle of equality.

They also misconstrue precedents on race-based admissions. The dissenting opinion incorrectly suggests that Grutter sanctioned such programs indefinitely. Yet, Grutter stressed that they are temporary. The principal dissent erred, too, in its dependence on Fisher II, which actually underlined the constitutional issues around race-based admissions systems, and didn't claim universal applicability.

The dissenting justices selectively interpret case law, overlook stringent requirements of the Equal Protection Clause, and neglect demands for race-based admissions programs to end. They propose a judiciary that discriminates based on skin color, which is inherently unequal. Ignoring the equality emphasized by both the Constitution and Justice Harlan, their position is mistaken.

VI

The Harvard and UNC admissions programs conflict with the Equal Protection Clause, lacking clear, measurable goals justifying racial consideration, employing negative racial biases, utilizing stereotypes, and lacking real end goals. We've never allowed such methods and refuse to today. However, universities are not prohibited from considering a student’s account of how race affected them, through discrimination, inspiration or otherwise. Yet, universities can't simply establish the unlawful race-based regime through application essays or other means. What one can't do directly, one can't do indirectly. The Constitution tackles substance, not shadows, and the prohibition on racial discrimination is aimed at the act, not the name, as established in Cummings v. Missouri (1867). A student's achievement overcoming racial discrimination, for example, must be attributed to their resilience and tenacity. A student's achievement tied to their heritage must be credited to their unique contribution to the university. The student's individual experiences must be the basis, not their race.

Many institutions have wrongly assumed racial identity as the deciding factor of an individual’s identity. The Constitution deems such choice intolerable. Consequently, the judgments of the Court of Appeals for the First Circuit and the District Court for the Middle District of North Carolina are reversed. It is so ordered. Justice Jackson abstained from the consideration or decision of the case in No. 20–1199.

JUSTICE SOTOMAYOR OPINION

SUPREME COURT OF THE UNITED STATES

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NARRATIVE SUMMARY OF DISSENTING OPINION OF JUSTICE SOTOMAYOR WITH WHOM JUSTICE KAGAN AND JUSTICE JACKSON JOIN

The Equal Protection Clause of the Fourteenth Amendment enshrines a guarantee of racial equality. The Court long ago concluded that this guarantee can be enforced through race-conscious means in a society that is not, and has never been, colorblind. In Brown v. Board of Education, 347 U.S. 483 (1954), the Court recognized the constitutional necessity of racially integrated schools in light of the harm inflicted by segregation and the "importance of education to our democratic society." Id., at 492–495. For 45 years, the Court extended Brown's transformative legacy to the context of higher education, allowing colleges and universities to consider race in a limited way and for the limited purpose of promoting the important benefits of racial diversity. This limited use of race has helped equalize educational opportunities for all students of every race and background and has improved racial diversity on college campuses. Although progress has been slow and imperfect, race-conscious college admissions policies have advanced the Constitution's guarantee of equality and have promoted Brown's vision of a Nation with more inclusive schools.

Today, this Court stands in the way and rolls back decades of precedent and momentous progress. It holds that race can no longer be used in a limited way in college admissions to achieve such critical benefits. In so holding, the Court cements a superficial rule of colorblindness as a constitutional principle in an endemically segregated society where race has always mattered and continues to matter. The Court subverts the constitutional guarantee of

equal protection by further entrenching racial inequality in education, the very foundation of our democratic government and pluralistic society. Because the Court's opinion is not grounded in law or fact and contravenes the vision of equality embodied in the Fourteenth Amendment, I dissent.

I

A

From its initiation, our nation has faced the challenge of forging unity from diversity. In this great endeavor, equal educational opportunity is paramount. The seminal significance of where we stand today, however, has its roots firmly ingrained.

Reviewing our constitutional history establishes an inescapable fact: the early architects of this nation allowed the institution of slavery to continue under the veneer of the original Constitution, an ugly compatibility held in place by provisions such as Article I, Section 9, Clause 1, and Article IV, Section 2, Clause 3. Southern states perpetuated this paradigm by exploiting racial ideologies that framed African Americans as intellectually inferior and deprived them of education to ensure the persistence of slavery.

With the Thirteenth Amendment, the formal institution of slavery was abolished, and yet racial oppression did not cease. Rather, it mutated into a system of racial subjugation that rested on onerous laws that restricted the rights of freed African Americans, reaffirming the fallacious and dehumanizing notion of their intellectual inferiority. These "Black Codes" and discriminatory laws were designed to oppress African Americans, regardless of their previous status as enslaved or free. The criminal punishment exception in the Thirteen Amendment was weaponized to coerce Black individuals back into an insidious system of forced labor under the guise of punishment.

In response to the ongoing oppression, Congress adopted the Fourteenth Amendment, aiming to achieve equality for all citizens, irrespective of race, and rejecting any idea of an explicitly "color-blind" constitution. Purposefully expansive language was used to ensure that the guarantees of the amendment were applicable and beneficial to anyone regardless of their color or previous condition. This inherently indicates that the Fourteenth Amendment does not impose a blanket ban on race-conscious policies.

The Freedman's Bureau Act is one such instance where Congress enacted a race-conscious law aimed at lifting African Americans' socio-economic status post-emancipation. The Bureau saw the vehicle to this end as education. With its funding, African Americans, deprived of education for generations, were provided with the means to attain one. This intention, above all, was an

outright rejection of the concept of color-blindness championed by President Andrew Johnson, whose veto of the law was aptly overruled by Congress.

The Court also adopted the Civil Rights Act of 1866 almost concurrently with the Fourteenth Amendment with a clear mandate to eradicate the Black Codes enacted by Southern States in the aftermath of the Thirteenth Amendment. Instead of being a color-blind law, it explicitly recognized the racially segregated privileges bestowed upon white citizens. Undeterred by President Johnson’s veto, Congress reiterated the contentious race-conscious language two years later in the Civil Rights Act of 1870.

The history of institutionalized racism in our nation and the subsequent steps taken by Congress to remedy the resultant racial inequality through various race-conscious laws collectively create an undeviating historical narrative. The Constitution, in its spirit and stated intents, has not sought a color-blind society, but rather one where, regardless of color, every citizen has equal opportunities. And such opportunities have been and should continue to be, reinforced and illuminated through equal access to education. As such, any interpretation of the Constitution that propounds the idea of it being color-blind contradicts this historical narrative and undermines the pith and substance of the Fourteenth Amendment.

B

Today, this Court has curtailed, in a most unfortunate manner, the scope of the promise enshrined in the Fourteenth Amendment - that no state shall "deny to any person within its jurisdiction the equal protection of the laws." This represents another point in history where this Court has undermined the core principles of equality and justice that our nation holds dear, a manoeuvre regrettably reminiscent of the Reconstruction era.

The Court's decision today contravenes our commitment to the vision of an integrated society that arose with the end of civil war and was breathed life into by the Reconstruction Amendments and the Civil Rights Acts. The aspiration was of equal opportunity leading to an equal society, but tragically, this aspiration was, as history records, short-lived, with the very assistance of this Court.

In an ill-advised series of decisions, notably the reprehensible Plessy v. Ferguson, this Court established the "separate but equal" doctrine that came to wreak unprecedented havoc on our society. This opened the floodgates for government-enforced segregation which systematically denied equal opportunities to African Americans in nearly every facet of life: bathrooms, military units, and most crucially, schools.

The present decision inexplicably advances a flawed and historically repudiated understanding of the legacy of Brown and the goal of racial integration. Contrary to the Court's insinuations, Brown was not a race-blind decision. Brown's holding—that de jure school segregation is unconstitutional because it inflicts educational, psychological, and symbolic harm on African-American students—was not blind to the reality of racialised experiences. It acknowledged that these harms resulted from government discrimination on the basis of race.

The Court's application of the principle of "colorblindness" in the present case signals a severe misinterpretation of Justice Harlan's colorblindness ideal as expressed so eloquently in Plessy. When Justice Harlan wrote that "our constitution is color-blind" he did not foresee or advocate for an interpretation of the Constitution that ignores the reality of systemic racial discrimination perpetuated by state actions. To the contrary, Harlan's dissent stood against the endorsement of racial segregation as permissible under our Constitution.

Tragically, the present opinion breathes new life into the ideology behind the Plessy doctrine, setting back the clock on our march towards racial justice and equality. It pays mere lip service to the sacrifices, challenges and victories of the Civil Rights Movement, presided over by courageous individuals like Justice Marshall, who championed equality with a proper understanding of racial dynamics in an unjust society, as opposed to advancing a hollow and superficial interpretation of "colorblindness".

In essence, today's decision overlooks the lessons of our history by underlining an artificial concept of formal equality while undoing substantive equality. By endorsing a narrow, myopic view of the Equal Protection Clause that excludes race-conscious remedies even when addressing racial disparities caused by state discrimination, the Court fuels the flames of inequality and division. We move further away from the egalitarian society that our ancestors dreamed of and the vision of equality enshrined in our Constitution. We can, and should, do better.

C

Two decades after Brown, in Bakke, a section of the Court determined that "the attainment of a diverse student body" is both a "compelling" and a "constitutionally permissible goal for an institution of higher education" as per 438 U. S., at 311–315. Race could be viewed as a single factor in multiple that are taken into consideration during the college admissions process, according to the group, provided each applicant undergoes individual evaluation as part of a well-rounded admissions procedure. Reference: Id., at 316–318.

Since Bakke, the Court has time and again reaffirmed the constitutionality of limited race-informed college admissions. Initially, in Grutter v. Bollinger, 539 U.S. 306 (2003), the

majority of the Court supported the view of Bakke's collection, stating that student body diversity is a key state interest capable of justifying the use of race in university admissions, 539 U. S., at 325, and held that race could be used in a narrowly tailored way to accomplish this interest. See id., at 333–344; see also Gratz v. Bollinger, 539 U.S. 244, 268 (2003).

In the following years, within the context of the Fisher lawsuit, the court twice affirmed that a limited use of race in college admissions is constitutionally permissible subject to strict scrutiny. In Fisher v. University of Texas at Austin, 570 U.S. 297 (2013) (Fisher I), seven members of the court concluded that the use of race in college admissions aligns with the fourteenth amendment as it is narrowly tailored to achieve the educational benefits of diversity. Id., at 314, 337. Later, in Fisher v. University of Texas at Austin, 579 U.S. 365, 376 (2016) (Fisher II), the court upheld the admissions program at the University of Texas while staying in these parameters. Id., at 380–388.

Bakke, Grutter and Fisher are seen as extensions of Brown's legacy. They acknowledge diversity's considerable contribution to experiences which stem from Grutter, 539 U. S., at 324 (citing Bakke, 438 U. S., at 313). Racially integrated schools contribute to understanding between races, dismantle racial stereotypes, and provide students with skills they will likely need in the ever-globalising marketplace through exposure to a wide range of people, cultures, ideas, and perspectives. 539 U. S., at 330.

Inclusive institutions that visibly welcome qualified and talented individuals of all races and ethnicities inspire public confidence in the institutions' integrity and legitimacy and the varied set of graduates they produce. Id., at 332. This is especially pertinent in higher education where colleges and universities play a key part in maintaining society's fabric and serve as training grounds for a majority of the nation's leaders. Id., at 331–332. Hence, it is of utmost importance that universities pursue the benefits of racial diversity and ensure the diffusion of knowledge and opportunity is accessible to students of all races. Id., at 328–333.

The compelling interest in diversified student bodies finds its foundation in the court's equal protection jurisprudence as well as in the principles of academic freedom which have long been regarded as a special concern of the First Amendment. Id., at 324 (citing Bakke, 438 U. S., at 312). Having considered "the important role of public education and the expansive freedoms of speech and thought associated with university environments," court precedents recognise the urgency of diverse student bodies on American university campuses. 539 U. S., at 329. As consistent with the First Amendment, student body diversity allows universities to foster robust exchange of ideas which leads to the identification of truth from a multitude of voices rather than from any single authorized selection. Bakke, 438 U. S., at 312 (internal quotation marks omitted).

Without a doubt, as the Court recently reaffirmed in another school-related case, learning how to accept diverse expressive activities has perpetually been part of learning how to live in a pluralistic society as per our constitutional tradition. Kennedy v. Bremerton School Dist., 597 U. S. ___, ___ (2022) (slip op., at 29). Setting a comparable precedent, Khorrami v. Arizona, 598 U. S. ___, ___ (2022) (Gorsuch, J., dissenting from denial of certiorari) (slip op., at 8) has shown that racially diverse, more significant juries deliberate for more extended periods, recall information better, and pay greater attention to differing voices.

In brief, for more than four decades, the Court's settled law authorizes a specific use of race in college admissions in service of the educational benefits that arise from a varied student body as provided for under the Equal Protection Clause of the Fourteenth Amendment. From Brown to Fisher, this Court has endeavoured to equalize educational opportunities in a society characterised by racial segregation thus attempting to advance the Fourteenth Amendment's vision of an integrated America where schools ensure that students of all races have the equal protection of the laws.

D

The majority's outright disregard of the persistent links between race and inequality in this nation, specifically within access to higher education, is dismaying. The Court's decision chooses to ignore the entrenched racial inequalities in society, and these universities' earnest attempts to address this inequality within their precincts, in favor of an overly simplistic assertion that turn a blind eye to the reality of systematic racial exclusion.

The Fourteenth Amendment, when considered within the broader scope of our historical experience and previously settled law, encompass the principle that race can be taken into account in order to overcome racially disparate effects. A colorblind interpretation promotes a naive belief that racial inequality is a long-resolved issue, which is deeply contradicted by the documented trend of racial segregation intensifying in our schools, the socioeconomic disparities disadvantaging underrepresented students, and the racially divided realities of access to quality education. Persistent racial segregation in education has severe implications and imposes on members of marginalized communities extreme burdens in the struggle for equity.

The extensive histories of racial exclusion at Harvard and UNC show that the impact of racially biased policies does not simply end when discriminatory practices cease. The racial and economic disparities present at these universities and in society at large are not coincidental, but are the culminating result of years of institutional policies that have dictated who has access to edifying resources and opportunities, based precisely on race.

To claim as a matter of constitutional principle that these institutions cannot consider race in their admissions practices is to deny them the tools needed to alleviate the effects of the alarming racial disparities that they, in part, helped create. Institutionally-implemented strategies, like race-conscious admissions policies, mark important steps toward making these establishments truly reflective of the diverse society we inhabit. In turn, they make strides for the racial, cultural, and experiental diversity which is known to enrich the educational environment for all students.

Contemporary underrepresentation and disparities in attainment among racial minorities in higher education underscore that these issues have not resolved themselves by merely abstaining from racial consideration. If we are to be faithful to the Fourteenth Amendment's promise of equality, we must allow for the explicit confrontation and direct challenge of racial inequality, including the use of race-conscious programs when necessary.

The ruling of the Court enforces an outdated and ultimately harmful interpretation of our Constitution’s commitment to equality and justice.

II

The Court’s disposition has become an obstruction to the respondents’ laudable pursuit and further entrenched racial inequality in higher education. The majority's decision accomplishes this feat through a seemingly purposive oblivion to facts before it, choosing instead to overturn precedent that has been upheld for decades. It is as though the majority is “content for now to disguise” its judgment as merely an application of “established law and move on” (Kennedy, 597 U. S., at ___ [Sotomayor, J., dissenting] [slip op., at 29]). As Justice Thomas accurately notes, Grutter, for all its intents and purposes, is an overruled entity (ante, at 58).

The Court's decision today is unsettling in its failure to provide, or even attempt to provide, the extraordinary demonstration demanded by the principle of stare decisis. Instead, the Court opts to shift the goalposts, entirely unsettling the expectations it had formerly set and plunging nationwide admissions programs into unprecedented disarray.

The conclusion, despite the court's evasive maneuvers, is unambiguous: the Court is compelled to amend the rules of engagement due to the fact that under a faithful application of the Court’s established legal framework, Harvard and UNC's admissions programs are indeed constitutional and are in full compliance with Title VI of the Civil Rights Act of 1964, 42 U. S. C. §2000d et seq.[22]. However, this compliance appears insufficient to sway the Court from its objective, hence the evident disregard for standard jurisprudence retreat seen today. It is a lamentable turn of events that perpetuates segregations and discredits years of progress made towards a more equal society.

A

On initial examination, and under established tenets of legal scrutiny, both Harvard and the University of North Carolina (UNC) actions find credence. The backdrop of these legal affrays, and the focused concerns raised by the petitioner, Students for Fair Admissions, Inc. (SFFA), serve to emphasize the simplicity underlining these cases.[23]

As this Court saw, these cases evolved from two comprehensive trials during which both Harvard and UNC presented a wide array of witnesses to argue their case, alongside expert testimonies and expansive documentary evidence that substantiated their admissions programs. The contrast was stark in comparison to SFFA's approach which lacked any fact witnesses and centered solely on the testimonies of two experts. Ibid.

Both District Courts, subsequent to a meticulous exploration of facts and subsequent legal conclusions, ruled in favor of Harvard and UNC. Noted judgments include 397 F. Supp. 3d 126, 133–206 (Mass. 2019) (Harvard I); and, 567 F. Supp. 3d 580, 588–667 (MDNC 2021) (UNC). The First Circuit confirmed the ruling in the Harvard case, marking "no error" in the District Court’s in-depth judgement. This led to SFFA filing petitions for a writ of certiorari in both cases, which we granted. 595 U. S. ___ (2022).[24]

We pondered upon three primary questions after granting certiorari: (1) Should we overturn Bakke, Grutter, and Fisher; or, alternatively, (2) Has UNC's admission program been narrowly tailored, and (3) whether Harvard’s admissions program comprises a narrow scope? The answers to the last two questions are a product of the application of settled law to the facts of these cases and are, by this measure, straightforward: Giving due consideration to the lower courts’ comprehensive findings of fact along with credit validity determinations, we uphold that both Harvard’s and UNC’s policies have been appropriately and narrowly tailored.

B

The Court's decision today reflects two fundamental misinterpretations relating to the principles of narrow tailoring and the application thereof in the university context.

Firstly, our past rulings insist that narrow tailoring does not necessitate the exhaustion of every conceivable race-neutral alternative or enforce upon a university the dichotomous decision between maintaining excellence or providing educational opportunities for racially diverse student bodies. Yet, the majority opinion, misconstruing this guiding principle, places an undue and unreasonable burden on universities to employ race-neutral alternatives that may not serve their diversity objectives adequately. In my view, this approach does not align with our precedent

and disregards the unique challenges faced by educational institutions in their quest for achieving diversity.

Second, I take issue with the Court's analysis of the race-conscious admissions programs adopted by the University of North Carolina and Harvard University. Both institutions have been found by lower courts to have conscientiously considered and even implemented various race-neutral alternatives. However, each has determined, through careful deliberation and based on myriad factors unique to their institutional contexts, that certain race-conscious strategies are most efficacious in fostering diversity. This is not a process tainted with the illegitimate use of race as a determining factor but one driven by a sincere quest for broad representation and diversity.

Moreover, the Court's dismissal of Harvard's admission program seems profoundly unjust, as it is rooted in a misreading of the data and a misinterpretation of our case law. Harvard's use of race is neither mechanical nor decisive, which both fall in line with our precedent. To my reading, the evidence clearly demonstrates that the inclusion of race as part of a holistic review process remains contextual, limited, and consistent with our upheld standards in the Grutter and Fisher II cases.

Similarly, I firmly disagree with the Court's assumption of racial balancing in Harvard's case despite the lack of credible expert testimony asserting and substantiating such a claim. The Court uses an uncharitable analytic lens to assess Harvard's diversity metrics and race-conscious strategies, resulting in an unwarranted and mistaken conclusion.

In my view, the Court's opinion today, unfortunately, overlooks the realistic and nuanced nature of university admissions processes and, in doing so, sets a perilous precedent. It erroneously imposes an inflexible standard on universities, disregarding their well-informed assessments of how best to achieve true diversity in their student bodies. Instead of encouraging educational institutions to continue their critical mission of cultivating a diverse and enriched academic environment, the Court cynically undermines the fundamental values of inclusion and equal opportunity that we cherish as a society.

III

In today's majority opinion, the Court holds Harvard's and UNC’s policies as unconstitutional, indicating their service to objectives that are not sufficiently measurable, the employment of racial categories of an imprecise and broadened nature, the reliance on racial stereotypes, the disadvantage faced by non-minority groups, and the absence of an endpoint. Ante, at 21–34, 39. The Court posits these points as deficiencies in the programs – a lack of "narrowness" under the critical scrutiny framework established in earlier precedents. Ante, at 22. However, I maintain

that this deliberation is less an exercise in analytical precision and more an overrule of the higher-education precedents tracing back to Bakke. Ante, at 22 (Gorsuch, J., concurring).

This point is substantiated by the very precedents the Court purports to build upon. The arguments propounded by the majority echo those originally put forth in dissenting opinions to the rulings they now strive to reverse. Payne v. Tennessee, 501 U.S. 808, 846 (1991) (Marshall, J., dissenting); and are discernible in various references to race-conscious admissions programs in Grutter and Fisher II.

Resurrecting and rehashing lost arguments in a fight to overturn established cases does not uphold the principles of precedent. Instead, it demonstrates a disregard for the sanctity of those precedents and fosters a notion that "bedrock principles are founded...in the proclivities of individuals" on the Court rather than in the rule of law, suffering the very integrity of our system of government. Vasquez v. Hillery, 474 U.S. 254, 265 (1986). This approach does the maximum damage in matters as crucial as institutional representation and legitimacy.

The Court fails to present a "special justification" for such a course change. Dobbs v. Jackson Women’s Health Organization, 597 U. S. ___, ___ (2022) (joint opinion of Breyer, Sotomayor, and Kagan, JJ., dissenting) (slip op., at 31) (quoting Gamble v. United States, 587 U. S. ___, ___ (2019) (slip op., at 11)). There is indeed no reason to overrule Bakke, Grutter, and Fisher. The original rulings were correct, the opinion today opens up problematic channels in equal protection, and there are significant interests leaning towards the respondents. Further, no lawful or factual developments support the current Court’s abandon. See 597 U. S., at ___ (joint opinion of Breyer, Sotomayor, and Kagan, JJ., dissenting) (slip op., at 31); id., at ___–___ (Kavanaugh, J., concurring) (slip op., at 6–7). Ultimately, the unelected members of today's majority disrupt the status quo based on personal policy preferences about racial considerations in America, attempting to impose an unrealistic, overly simplistic colorblindness on a society that has historically always been – and continues to be - profoundly influenced by race.

A

The usage of race in college admissions aligns with the Fourteenth Amendment and this Court's durable equal protection jurisprudence. The background and textual context of the Fourteenth Amendment illustrate clearly that race-conscious measures are constitutionally supported. This correlates with this Court's past rulings that race-related actions can at times be within constitutional boundaries. In numerous cases, the Court has authenticated the usage of race in a variety of contexts.

In stark contrast with today’s resolution, race has been permitted in contexts where minority populations carry the burden. The Court has allowed racial profiling as a method of law

enforcement, rather than endorsing a race-blind approach. Today's decision, however, is contradictory, allowing a person's race to factor into evaluations of individual suspicion but not into assessments of a person's individual contributions to a learning environment. Such an interpretation subverts the Fourteenth Amendment’s promise of equal protection, as it is not rooted in solid legal principles.

Much of the majority opinion agrees that race can be constitutionally employed in certain instances. It concedes that limited use of race is permissible in some college admission procedures, yet arbitrarily excludes military academies from this ruling. It attempts to justify this exception on the basis of 'distinct interests' that military academies supposedly present, but national security interests are just as relevant in civilian universities. The Court's inconsistent approach only underscores the arbitrary nature of its decision, indicating that the Fourteenth Amendment does not ban the use of race in college admissions outright.

The concurring opinions likewise agree that the Constitution tolerates some racial classifications. Despite some justices suggesting a more limited understanding of race-conscious measures, there is general confirmation that the Constitution permits a wider range of such measures than they initially suggest.

Despite the Court's assertions of a 'colorblind' Constitution, quite the opposite is true given the legal precedents demonstrating that race-conscious measures are constitutionally permitted. What this means is that the Court arbitrarily decides the constitution is 'colorblind' when it suits their argument, subtly asserting their own value judgments about when race-conscious measures are justified.

Overturning many years of legal precedent, the majority singles out the restricted utilization of race in holistic college admissions, undermining the important legal principles of Bakke, Grutter, and Fisher. Without any new legal or factual justification, the Court overrides its long-standing principle that diversity in higher education is adequately compelling. The Court's attempt to avoid public accountability for such a decision is transparent – hidden behind a unique measurement requirement created for this purpose.

There is no precedent requiring that a compelling interest meets a level of precision to be deemed adequately compelling. The Court has recognized as compelling numerous interests that are arguably more nebulous, such as "maintaining solemnity and decorum in the execution chamber," or "protecting the integrity of the Medal of Honor.' Hence, despite their endorsement of respondents' racial diversity goals, the majority clearly place less importance on the issue of racial integration in higher education.

The response from the majority to these points is tragically lacking. Its argument is incorrect, framing the Court's prior judgment as stating that redressing societal discrimination does not constitute a compelling interest. However, while Bakke rejected that proposition as insufficiently compelling, it simultaneously endorsed limited use of race in college admissions to pursue the educational benefits of diversity. This narrower interest is what the Court overrules today, having reaffirmed it numerous times since Bakke and as recently as 2016 in Fisher II. This override does not adhere to precedent nor does it show an adequate consideration of the educational imperatives at stake.

B

The present ruling is a conceptual myopia of the worst kind. The Court's decision eschews context for categorical rigidity, overlooking precisely the nuanced complexities of reality that our constitution ought to engage. By imposing this new framework, the Court not only usurps existing legal precedents that have, by all accounts, functioned with efficiency but fundamentally jeopardizes the principle of equal protection it feigns to uphold. It seems, indeed, that the Court's veritable objective is to institute a status quo where holistic consideration of race in college admissions—an inclusionary strategy aimed at addressing historic and enduring educational disparities—has been rendered impracticable.

Through its analysis, the Court argues that Harvard's and UNC's programs serve to unfairly disadvantage certain racial groups. Yet this contention stems from a miscomprehension of the true role played by race within holistic admissions. The respondents' holistic review policies utilize race as a single factor among many, allowing universities to assemble diverse student clusters across a multitude of dimensions, including, and not limited to, racial identities. The policies enable the selection of students enriched with diverse attributes—ranging from musicians and scientists to athletes and artists—and allow the universities to create a class with an array of viewpoints, transcending the boundaries of conventional academic interests, political ideologies, understanding of diverse national regions, and varying socioeconomic backgrounds. The majority, in its misconception, ironically undermines the very principle it assumes to uphold: equal protection of all students.

The Court's ostensibly core objection to the use of race in college admissions lies in the perceived unfairness towards the non-underrepresented racial groups. Put simply, the Court insists that soaring representation of historically underrepresented racial groups in higher education—considered an unjust consequence of the proposed policies—violates the Equal Protection Clause, implicitly endorsing racial discrimination against White Americans. This argument, shockingly devoid of perspective, overlooks the systematic racial inequality permeating our society and misrepresents the very essence of the Fourteenth Amendment and its historical context.

Understanding racial equality as a mere swap of places in the rigidly hierarchical racial system paints a grotesque portrait of the fundamental longing for equality. The vision that the Equal Protection Clause commands is one of racial integration, a society where institutions reflect all sectors of America, where every individual is deemed capable, seen, and heard for their merit irrespective of their racial identity.

The Court, in its crackdown on racial considerations, undermines the essence of the Fourteenth Amendment's equal protection guarantee by curbing the holistic individualized consideration of the student's application, thereby denying those who racially self-identify the expression of their identity. The adverse impact of this decision will be borne by minority students who are divested of their ability to present a full version of themselves in their application—an integral component of their application process.

The Court purports to salvage the constitutionality of considering an applicant's racial self-identification in essays. However, this is an empty promise attempting feebly to mask the void reated by its ruling. Discrediting respondents' diversity interests, meticulously curtailed in its deliberative tirade, the Court imposes upon universities a facade of racial considerations, bound to crumble under the weight of regulatory dissension it has devised. The inevitable truth that the Court cannot escape is that racial identity influences students' lives in rudimentary ways. This reality, however, does not ground the Court's reality.

The majority, in its preference for an academic metric-based admission system, also discards the inherent perils of such an approach. Adopting academic superiorities as the sole criterion undermines multidimensional diversity in higher education, prioritizing intellect over experience or perseverance, thereby devaluing the diverse personal and academic experiences that truly make an individual unique and worthy of a place at a university.

The inconsistencies in the Court's conceptual framework are striking. Despite its claim that the use of race in college admissions is unworkable due to a lack of measureable objectives, the Court provides no clarity on what standards must be met or how universities might meet them. Instead, the majority crafts a requirement that ensures all race-conscious plans fail, placing universities in a precarious catch-22. The Court's replacement framework merely reflects its inability to accept that race matters profoundly in determining students' perspectives and experiences, fundamentally overlooking the reality of deep-rooted racial discrimination in our society.

Harvard and UNC are in compliance with the precedent set forth by Grutter, engaging in ongoing review of their race-conscious programs. However, the Court, in challenging respondents’

consideration of numerical data during these assessments, obstructs these institutions' ability to achieve their diversity goals.

Justice Thomas's claim that race-conscious programming burdens minority students is not founded in any convincing evidence. The “mismatch” hypothesis he presents—the idea that race-conscious admission lead to the academic underperformance by Black and Latino students at elite universities—is far from universally accepted, with numerous academically rigorous studies refuting this argument. His contention is based on a limited set of studies, now widely deemed inadequate and misleading by the broader academic community.

Deploying his own rhetoric that racial preferences in college admissions “

C

In delivering their ruling, the majority on this Court fails to acknowledge the profound reliance interests that have been upheld by our precedents, thereby underscoring their preeminent reach for unchecked power. This inconsistent stance has far-reaching implications, destabilizing significant rights and expectations established by past decisions — considerations that, according to Hilton v. South Carolina Public Railways Comm’n, 502 U.S. 197, 202 (1991), lend further urgency and "added force" to uphold the principle of stare decisis.

Our students — of every background — have long harbored the assurance that universities following race-conscious policies promise an enriching environment teeming with varied cultural experiences and robust diversity, an environment that prepares them to excel in a diversifying global community. Consequently, they have anchored their faith in our Court's precedents.

Equally bound, colleges and universities that have adopted race-conscious admissions programs over the years now find themselves tethered to monumental reliance interests. These institutions have expended considerable resources adhering to the directives laid down by this Court – from designing courses that recognize the merits of a diverse student body, hiring faculty whose research is magnified by this diversity, to advertising the rich learning opportunities this diversity offers, attracting prospective students who came with the understanding of securing these benefits. Moreover, these establishments have disbursed significant financial and other resources "training thousands of application readers on how to faithfully apply" guidelines on the use of race in admissions established by this Court. Today's ruling now sets them against a tide, forcing them to "fundamentally alter their admissions practices."

Added to this, colleges and universities, in their long-standing reliance on Grutter to accept federal funds under Title VI, find themselves caught off guard by this latest decision.

The failure of the majority to duly weigh the formidable and far-reaching reliance interests implicated in this case is not only distressing but signifies a stark disregard for established legal principles. It is indeed a "stunning indictment" of the majority's stance, revealing a profound vacuum in regardance to the principle of ongoing reliance which remains an essential hallmark of our justice system.

IV

I write with strongest conviction, firmly dissenting from the Court's decision which will seriously impede upon years of established jurisprudence and societal progress towards racial equality. Adopting the hypothesis that our society has transcended from the specter of racial segregation, the Court decides to obliterate policies that have visibly paved the way towards a racially heterogeneous and inclusive academic world. The success of affirmative action in higher education cannot be dismissed merely because our society has reached certain milestones in democratizing learning opportunities. To the contrary, it provides compelling justification to continue this practice. As Ginsburg, J., rightly noted in her dissent in Shelby County v. Holder, abandoning this practice at this point is akin to “throwing away your umbrella in a rainstorm because you are not getting wet”.

Simply put, the deracinated judicial perspective of equality will inflict detrimental repercussions. The trials conducted only reflected a deeply entrenched truth-tailoring policies with willful colorblindness within an inherently unequal society will inevitably impede the admission of underrepresented minority students in our higher education institutions. Court precedents and statistics meticulously compiled in Schuette, Amherst Brief, and from States itself that have outlawed the use of race in college admissions corroborate this argument. Consequently, such a course of action unravel the painstakingly achieved advancement, and mirror the levels this country witnessed some six decades ago.

The Court's decision, no doubt, does not merely inflict damage to underrepresented minority students or respondents alone. Rather, it is a well-calculated blow to the very essence of our institutions and democracy. As amici submissions suggest, absence of race-conscious policies will decimate the pipeline of racially diverse graduates entering critical professions. From military strength and federal workforce diversity–as emphasized by the United States–to providing equitable and effective public services, the impact of race-conscious policies is far-reaching. These policies also foster a racially diverse environment that safeguards national security, generates improved academic outcomes and healthcare services, enhances the legal profession, and augments innovation in global tech industry.

Moreover, to obliterate race-conscious policies not only deepens racial disparity, but also flagrantly contravenes this Court's precedents. We are left with a markedly less diverse pipeline

of future leaders that will perpetuate economic and power imbalances along racial lines. A democracy is robust when its leadership is reflective of the diversity of its citizenry. By eliminating race-conscious admissions, this Court creates an inflexible leadership hierarchy that is strikingly less diverse than our society, therefore invalidating Grutter's affirmation that "diversity is essential to a robust comprehension of values of tolerance and equal dignity in our society."

This Court's decision today must be seen as nothing less than remarkable departure from previous understandings about the role of race in college admissions, an endeavor that was once heralded as a crucial tool of social equality. By marking an end to race-conscious admissions, the Court does not only violate constitutional precedents, but also disregards the ground realities characterized by racial disparities. Indeed, the Court has myopically shackled itself to a superficial concept of race neutrality, which sadly prop up and perpetuates racial segregation and inequality.

While it may appear easy to bemoan the majority's draconian stance, an optimistic perspective encourages us to carry on the fight. Despite today's disastrous ruling, the pursuit and achievement of racial equality will continue, as society becomes more racially diverse day by day. Universities and other institutions must use all remaining tools to continue fostering diversity in higher education. This Court's decision only underscores its own powerlessness to stem the tides of change that are reshaping our society. As faith has it, "the arc of the moral universe is long, but it bends towards justice." And bend it will.

The Court’s decision today is not only a grave misinterpretation of constitutional principles of equal protection, but also darkens the halo of racial justice that has been painstakingly cultivated over decades. History will judge the gravity of this decision. Let it be said that this Court, when given the opportunity to build upon milestones in racial justice, decided to regress into the dystopian past. It is a consequence with immeasurable societal repercussions.