BREAKING: Supreme Court Bans Racial Preferences in College Admissions

On May 17, 1954, The New York Times reported that the U.S. Supreme Court "set aside" the "separate but equal" doctrine in education in its Brown v. Board of Education ruling. Racial segregation would no longer be permitted in K-12 public schools. On June 29, 2023, the court finally buried the doctrine once and for all, along with the prejudice that has haunted college admissions for more than 50 years.

The justices banned the use of racial preferences in college and university admissions programs. Students for Fair Admissions, an advocacy group representing Asian-American students, brought two lawsuits—one against Harvard University and another against the University of North Carolina—charging that the schools used racial bias in their admissions practices and discriminated against these students.

The Supreme Court agreed and ruled 6-2 in the Harvard case and 6-3 in the University of North Carolina case that the schools violated the 14th Amendment of the U.S. Constitution. Since Title VI of the Civil Rights Act reflects the 14th Amendment within schools that receive federal taxpayer spending, the ruling applies to federal law as well as the Constitution.

The majority wrote, "Eliminating racial discrimination means eliminating all of it."

Americans have long supported the ideas in the court's majority opinion. Surveys find broad opposition to the use of racial preferences.

Results from a Pew Research survey released earlier this month found that 82% of respondents do not think that race or

ethnicity should be a factor in college admissions. Seventy-one percent of black respondents and 81% of Hispanic respondents agree.

State voters have also rejected racial preferences at the ballot box. Californians have twice rejected preferences, first with the passage of a measure known as Proposition 209 in 1996 and then again with the defeat of Proposition 16 (which would have overturned Proposition 209) in 2020. In 2006, Michigan voters also voted to ban racial preferences.

Now the high court has said university programs "may never use race as a stereotype or negative, and—at some point—they must end." While citizens and taxpayers have been waiting for this court ruling, many college administrators have been devising ways to continue using race in admissions.

For example, research from law professor and well-known critic of racial preferences Richard Sander and others has documented how administrators in the University of California system defied Proposition 209 after its passage. More than a decade ago, the American Bar Association attempted to change its policies to require law schools to defy state and federal legislation if lawmakers chose to ban racial preferences (the ABA toned down the policy after some resistance, but only slightly).

Meanwhile, college administrators have helped so-called "diversity, equity, and inclusion" departments to spread across campuses nationwide. These offices serve as political outposts that rally support for racial preferences in university hiring, campus speakers, and other school activities.

The court's ruling allows Americans to ask what, exactly, DEI intends, if not to continue the racial discrimination the justices just ruled illegal. Lawmakers in Florida and Texas have already adopted policies that defund these offices,

recognizing the prejudice that has been in plain sight for years.

WATCH:

Yet if activists really want to help minority students, they should be interested in what racial preferences hath wrought. For example, the “mismatch” problem that the preferences cause is a notable one that critical race theorists and other radical activists do not care to discuss.

By putting a finger on the scales for or against students who are racial or ethnic minorities, racial preferences have caused black and Hispanic students, in particular, to be admitted to competitive institutions even if those students were unprepared for their academic rigor. A mismatch is created between students and schools, and these students earn lower grades, are more likely to drop out, and are less likely to be able to use their college experience to succeed in the workplace.

High-performing black and brown students succeeded at competitive colleges and graduate schools before and after California’s Proposition 209 and other bans on preferences—and will still do so after the Supreme Court’s ruling. But students across the nation who would have been mismatched at postsecondary and graduate institutions due to preferences are now more likely to enroll and succeed at colleges aligned with their skills.

Woke actors can no longer claim that discrimination has a place in college admissions. School officials must maintain high standards and make school admissions policies transparent so families and students know how they are being evaluated. Lawmakers should use the court’s opinion as justification to replace DEI programs with merit-based, colorblind departments and activities that work with students according to their academic abilities and needs.

This is the American Dream—one in which public officials cannot judge you based on the color of your skin. The Supreme Court has given all Americans, of all skin colors, more reasons to dream again.

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