National
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Supreme Court Must Keep Affirmative Acton Alive

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"*The enduring hope is that race should not matter; the reality is that too often it does.*" Anthony Kennedy, Associate Justice of the Supreme Court

As early as next week, in *Fisher v. University of Texas at Austin,* the United States Supreme Court may issue a ruling that could seriously limit or altogether eliminate the use of affirmative action in university admissions. While much of the current debate about the continued need for affirmative action has been distorted by the use of coded buzz-words like "preferences," "entitlements," and "quotas," we should remember that the original intent of the policy when it was first introduced in 1961 by President John F. Kennedy, was to foster non-discrimination and fairness.

That remains its central goal today. We hope a majority of the Justices uphold those core American values in deciding whether – like legacy, athletic ability and veteran status – race can be used to ensure that all students receive the educational benefits of diversity.

In *Fisher v. University of Texas,* Abigail Fisher, a white student denied admission to the University of Texas in 2008, has resurrected a specious claim of "reverse discrimination." This argument has been discredited in similar cases, most recently in the landmark 2003 University of Michigan *Gutter v. Bollinger* case. There the Supreme Court ruled "student body diversity is a compelling state interest that can justify using race in university admissions."

It is fairness, not preference, that demands the continued use of affirmative action to level an educational playing field that for centuries excluded Blacks and other minorities from the nation's mainstream and elite universities. It is equal opportunity, not reverse discrimination, that seeks to offer a way up and out for millions of students relegated to segregated and substandard high schools. It is inclusion, not entitlement, that calls us to recognize that a diverse college experience is good for students of all races, ethnicities and genders, and that diversity is essential to America's ability to compete and win in the global economy.

The National Urban League is among 70 organizations and individuals to file Supreme Court

Amicus Briefs in support of fairness in the University of Texas case. It should be remembered that until 1950, African Americans were barred from attending the University of Texas Law School. In its 1950 Supreme Court victory, *Sweatt v. Painter,* The NAACP Legal Defense Fund (LDF) made it possible for Heman Sweatt to be the Law School's first Black student.

Despite claims to the contrary, race-neutral solutions are not an adequate answer. In its Fisher v. University of Texas Amicus Brief, the LDF states, "From 1997 through 2004, UT did not consider race in admissions. The impact was devastating." Despite the fact that 13% of Texas high school graduates were African American, "at no point between 1997 and 2004 did African American students comprise more than 4.5% of the entering year class, Nearly four out of every five UT undergraduate classes had zero or one African American students."

A similar "race-neutral" admissions policy at the University of California has also resulted in reducing the number of incoming minority freshmen. Clearly, affirmative action based on the principle of fairness and the undeniable benefits of diversity must be kept alive.

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