Students for Fair Admissions
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Edward Blum
President

July 10, 2023

Re: The end of racial preferences in college admissions

Dear _____,

I write on behalf of Students for Fair Admissions, a non-profit organization of more than 20,000 members dedicated to eliminating the use of race in college admissions. For nearly a decade, SFFA has united Americans of varying backgrounds to accomplish their goal of eliminating racial preferences—a goal that public polling consistently confirms is shared by large majorities of all Americans.

As you are no doubt aware, the Supreme Court's recent decision in *Students for Fair Admissions v. President and Fellows of Harvard College*, No. 20-1199, ended the legality of racial preferences in college admissions. Among other things, the Court explained that:

- Colleges' assertions that racial preferences can achieve educational benefits are "not sufficiently coherent" to survive strict scrutiny. Slip Op. at 23.

- No system can rely even in part on the traditional racial "categories," which are "imprecise," "overbroad," "underinclusive," and "opaque." *Id.* at 25.

- Because race can never be a "negative," it can never be a positive in admissions. *Id.* at 27. College admissions are "zero-sum" and thus "[a] benefit provided to some applicants but not to others necessarily advantages the former group at the expense of the latter." *Id.*

- Any program that includes race as a factor unconstitutionally tolerates "stereotyping," which "can only cause continued hurt and injury, contrary as it is to the core purpose of the Equal Protection Clause." *Id.* at 29-30 (cleaned up).

- Racial preferences cannot continue indefinitely. And any attempt to use race until a particular ethnic balance is achieved "turns" the equal-protection guarantee "on its head." *Id.* at 31-32 (cleaned up).

- And critically, our law is "'color-blind.'" *Id.* at 39. What some used to dismiss as "'rhetorical flourishes about colorblindness'" are actually the "proud pronouncements" of the Court's cases. *Id.* at 36.

It is therefore incumbent upon your institution to ensure compliance with this decision, starting with the upcoming admissions cycle. At the very least, you should take the following steps to avoid violating the Constitution, Title VI of the Civil Rights Act of 1964, and other similar laws:

- Cease making available to admissions officers "check box" data about the race of applicants. The College Board recently introduced a feature for the Common App that makes this easy. *See* Common App and Equitable Admissions, perma.cc/3WMD-DGUF (archived July 6, 2023) (noting that "[m]ember colleges are able to hide (that is, 'suppress') the self-disclosed race and ethnicity information from application PDF files for both first-year and transfer applications").

- During the admissions cycle, prohibit your admissions office from preparing or reviewing any aggregated data (i.e., data involving two or more applicants) regarding race or ethnicity.

- Eliminate any definition or guidance regarding "underrepresented" racial groups.

- Promulgate new admissions guidelines making clear that race is not to be a factor in the admission or denial of any applicant. This includes clear instructions that essay answers, personal statements, or other parts of an application cannot be used to ascertain or provide a benefit based on the applicant's race. For "what cannot be done directly cannot be done indirectly," and an applicant "must be treated based on his or her experiences as an individual—not on the basis of race." Slip op. at 39-40 (cleaned up).

"Eliminating racial discrimination means eliminating all of it." *Id.* at 15. We trust that your institution will take immediate steps to eliminate the use of race as a factor in admissions, will be open and transparent about those steps, and will reaffirm your commitment to the equal treatment of all applicants, regardless of their skin color.

Sincerely,

Edward Blum

Edward Blum
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