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SPEECH FIRST

Supreme Court Overturns Affirmative Action

Washington, D.C. (June 29, 2023) – Today, the United States Supreme Court ruled against Harvard University and the University of North Carolina, siding with Students for Fair Admissions (SFFA). Speech First, a nonprofit membership association working to combat restrictions on free speech and other civil rights at colleges and universities across America, filed an [amicus brief](#) in support of SFFA’s appeal to the U.S. Supreme Court. This ruling ultimately ends affirmative action as we know it.

In the [majority opinion](#), Chief Justice Roberts had this to say:

“Most troubling of all is what the dissent must make these omissions to defend: a judiciary that picks winners and losers based on the color of their skin. While the dissent would certainly not permit university programs that discriminated against black and Latino applicants, it is perfectly willing to let the programs here continue. In its view, this Court is supposed to tell state actors when they have picked the right races to benefit. Separate but equal is “inherently unequal,” said Brown. 347 U. S., at 495 (emphasis added). It depends, says the dissent.”

In his [concurring opinion](#), Justice Thomas had this to say:

“Even in Grutter, the Court failed to clearly define “the educational benefits of a diverse student body.” 539 U. S., at 333. Thus, in the years since Grutter, I have sought to understand exactly how racial diversity yields educational benefits. With nearly 50 years to develop their arguments, neither Harvard nor UNC—two of the foremost research institutions in the world—nor any of their amici can explain that critical link...More fundamentally, it is not clear how racial diversity, as opposed to other forms of diversity, uniquely and independently advances Harvard’s goal. This is particularly true because Harvard blinds itself to other forms of applicant diversity, such as religion. See 2 App. in No. 20–1199, pp. 734–743. It may be the case that exposure to different perspectives and thoughts can foster debate, sharpen young minds, and hone students’ reasoning skills. But, it is not clear how diversity with respect to race, qua race, furthers this goal. Two white students, one from rural Appalachia and one from a wealthy San Francisco suburb, may well have more diverse outlooks on this metric than two students from Manhattan’s Upper East Side attending its most elite schools, one of whom is white and other of whom is black. If Harvard cannot even explain the link between racial diversity and education, then surely its interest in racial diversity cannot be compelling enough to overcome the constitutional limits on race consciousness.”

[Cherise Trump](#), Executive Director of Speech First, issued the following statement:

“Today is a great day for our country. We were told a lie that discrimination was necessary during admissions processes because it would lead to the overall improvement of our college campuses, all in the name of diversity. Instead, these policies have degraded the quality of education by eliminating the robust exchange of ideas necessary for serious scholarship. Thankfully, this lie has been ended, however, the fight is far from over. We must continue to fight against university policies that compel students to espouse certain views in order to be accepted, and policies that censor them once they are on campus. Speech First won’t stop fighting until institutions of higher education stop indoctrinating students at every step, eliminate oppressive, Stasi-like anonymous reporting systems, and promote free speech for all on campuses. It’s imperative that universities protect and defend the robust exchange of ideas and safeguard students’ rights.”

To schedule an engagement with Speech First, please contact Michael Hensley at
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