

# The Civil Rights Project



*Proyecto Derechos Civiles*

## STATEMENT BY CIVIL RIGHTS PROJECT ON *FISHER* DECISION

June 23, 2016

Today's decision in *Fisher v. University of Texas at Austin* is an historic reaffirmation of affirmative action as a necessary tool for creating diverse campuses that enrich the educational experience of all students. The Court rejected the argument that the University could accomplish this goal without any consideration of 1) the race or ethnicity of students and, 2) the University's thoughtful process and compliance with the standards the Supreme Court set in the 2003 *Grutter v. Bollinger* case from the University of Michigan. Many scholarly organizations, including the American Educational Research Association, and leading researchers, have played an important role in developing scientific evidence on these issues. The Civil Rights Project brought together a team of outstanding researchers who worked for months with our Counsel of Record, Professor Liliana Garces, to prepare two major briefs in this case. We were deeply honored when 823 scholars from every part of the country signed the second brief.

The Civil Rights Project was founded 20 years ago following the end of affirmative action in the nation's two largest states. Our first meeting was a coming together of college presidents, researchers, civil rights leaders, and public officials, which showed a failure of the research community to strongly address the issues that would decide the affirmative action battle. We have consistently worked on those issues throughout the life of the Project, holding many conferences, commissioning a number of major studies, publishing five books resulting from this work, and working with scholars to file a series of briefs in the Supreme Court, including the *Brief of Social Science Researchers (2012)* and the *Brief of 823 Social Scientists as Amici Curiae (2015)* in this case. Our research was cited in 2003 by the Supreme Court in the decisive *Grutter v. Bollinger* case supporting affirmative action, helping create the foundation for a central element in justifying affirmative action -- the compelling interest in the educational value of diversity for all students.

Today's decision strongly addresses the other key element, finding that affirmative action is a necessary and appropriate tool for creating that diversity and setting reasonable standards for universities in justifying the use of this tool. This was the central issue in our briefs, which explored the best scientific evidence and concluded that there is no feasible alternative to

affirmative action in realizing this very important goal. We greatly appreciate the work of all the scholars and advocates who joined in this effort and see this as a day of celebration for American higher education.

The decision means that the large majority of the nation's selective universities, which have found affirmative action to be essential, can continue their policies by meeting the reasonable processes, followed by the University of Texas, for documenting its necessity.

[Read the opinion and dissents](#) and the [Briefs of the Civil Rights Project](#).

Attend a public briefing in Washington, DC and discuss what the decision means: [“After Fisher: What the Supreme Court’s Ruling Means for Students, Colleges and The Country,”](#) organized by the American Educational Research Association.