

# Students for Fair Admissions

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## PRESS RELEASE

For Immediate Release:

June 27, 2017

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### Students for Fair Admissions Files Lawsuit Against Univ. of Texas at Austin

*SFFA claims UT's racial and ethnic admissions preferences violate  
Texas state statutes and Constitution*

(Austin, TX) Today, Students for Fair Admissions filed a lawsuit in Texas state court against the University of Texas at Austin alleging that UT's racial preferences in admissions violate the Texas Constitution and a Texas statute.

The plaintiff in this action is Students for Fair Admissions (SFFA)—a non-profit membership organization comprised of over 21,000 students, parents, and others. SFFA has members who were recently rejected from UT. The petition filed against UT can be found at [www.studentsforfairadmissions.org](http://www.studentsforfairadmissions.org).

As most Texans know, the state's Top-10% law now requires UT to admit all Texas high school students who graduate in the top 7% of their class. Thus, approximately three-quarters of all incoming students to UT are admitted through this race-neutral program. Students who do not qualify for automatic admission are admitted via a purportedly "holistic" process that grants a preference to certain applicants on the basis of race and ethnicity. Considering a student's race in admissions is unfair and unconstitutional. SFFA believes a student's race or ethnicity should never be used to help an applicant—or hurt an applicant—in the college admissions process.

The lawsuit today, *Students for Fair Admissions v. Univ. of Texas at Austin*, was filed in Travis County District Court in Austin, Texas. The petition alleges that UT's use of racial

preferences in admissions violates Texas law for multiple reasons. Foremost, the Texas Constitution provides that: “Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin.” Importantly, this Equal Rights Amendment was designed and enacted by the people of Texas to provide more expansive protection against discrimination than the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and the equal-protection guarantee of the Texas Constitution provide.

Accordingly, the U.S. Supreme Court’s narrow ruling in *Fisher v. Univ. of Texas-Austin* that the racial preferences used by UT in 2008 were constitutional under the federal Equal Protection Clause has no bearing on this lawsuit. To be sure, SFFA looks forward to the day when the U.S. Supreme Court restores the Fourteenth Amendment’s vision of a color-blind Constitution and forbids treating applicants differently on the basis of race and ethnicity. And SFFA is not alone in this desire. According to a Gallup Poll conducted days after *Fisher* was decided last year, “seven in 10 American say merit should be the only basis for college admissions” and “65% disagree with the Supreme Court decision allowing race to be a factor.”

In 2014, to that end, SFFA filed lawsuits in federal court against Harvard University and the University of North Carolina-Chapel Hill claiming that the use of race in admissions by those schools violates the Fourteenth Amendment and Title VI of the Civil Rights Act. Both of those lawsuits are ongoing.

But none of that matters with this new lawsuit. Texas is as an independent sovereign, and it has its own Constitution. Under the Texas Equal Rights Amendment, no discrimination on the basis of “sex, race, color, creed, or national origin” is permitted—period. As a consequence, UT’s use of racial preferences in admissions patently violates the Texas Constitution. Texas courts are not required to repeat the U.S. Supreme Court’s mistake, especially when the state’s own constitution demands a different result.

Edward Blum, SFFA’s president, said, “It is our belief that the Texas Constitution unequivocally forbids UT-Austin from treating applicants differently because of their race and ethnicity.”

Blum added, “The Texas Constitution enshrines a color-blind vision of equality reflected in the opinions of Justices Clarence Thomas, Antonin Scalia, Samuel Alito, and Chief Justice John Roberts. It does not permit the convoluted version of equality that Justices Ruth Bader Ginsburg, Stephen Breyer, and Sonia Sotomayor have endorsed, which allows universities to discriminate on the basis of race. We believe that most Texas judges and justices will agree with our interpretation of the Texas Constitution.”

Cory Liu, the volunteer executive director of SFFA added, “When you apply to college, it shouldn’t matter what color your skin is, what your name is, or where your ancestors or parents were born. That kind of discrimination has always been wrong—and it is wrong today. We’re all Americans. What matters is your character, your experiences, and your accomplishments, not your race or ethnic heritage.”

SFFA encourages all students who were recently rejected from UT to visit our website, [studentsforfairadmissions.org](http://studentsforfairadmissions.org) to learn more about this case. We encourage all interested persons to join our organization.

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