



## Who Qualifies for College Admissions? Constitutional Question Again!

By

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Sept. 21, 2015: Abigail Fisher was a terrific high school student. She had every academic qualification to all but guarantee acceptance to her state's flagship university, the University of Texas at Austin. She earned it.

But when she applied, she was turned away – not because she was unqualified, but because the university needed to meet its diversity goals. Abigail's race was a problem for the school.

Nearly ten years ago, Abigail Fisher sued the University of Texas at Austin and challenged the constitutionality of its race-based admissions program. To understand the case, it helps to step back to 1997 when Texas implemented its Top Ten Percent Law – the top 10% of all Texas high schools are automatically admitted to the university.

The program was lauded a success in the areas of racial, geographic and class diversity. The percentage of African-American and Hispanic students rose from 18.6% in 1996 to 21.4% in 2004, and the university also saw increases in grade-point averages and retention rates for minorities. Despite the program's successes, the university continued to expressly consider race as a factor when evaluating all other applicants.

Ms. Fisher's case made it the way to the Supreme Court where it ruled in her favor and sent the case back to the lower court.

Now, on the case's second trip to the Supreme Court, the university claims its race-conscious admissions program is necessary to ensure "qualitative diversity." What on earth is that, we ask?

In what can only be described as an offensive and arguably unconstitutional slap, the university argues that minorities from majority-minority schools do not provide the "right" kind of diversity – in other words, the university wants to increase its minority enrollment from majority white high schools.

The university commits the worst offense of racial profiling in claiming that minorities admitted under the Top Ten Percent Law that come from underprivileged or majority-minority high schools lack the attributes that contribute to campus diversity or, in their words, they will not be catalysts for change. Rather than promoting inclusiveness and cross-racial understanding, the university is reinforcing the very stereotypes that prevent certain groups, such as those from majority-minority high schools, from achieving success.

During the next trip the Supreme Court, after the Fifth Circuit wrongly allowed the university to continue its illegal admissions process despite a strong ruling by the high court, it's very likely that the Justices will use this case as an opportunity to slam the door – once and for all – on “creative” and entirely unconstitutional college admissions programs that put social and racial engineering above merit.