

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

MEDIA ADVISORY

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U.S. CIVIL RIGHTS COMMISSION WARNS THAT AFFIRMATIVE ACTION MIGHT HARM MINORITY LAW STUDENTS

WASHINGTON, DC – Today, the U.S. Commission on Civil Rights is releasing the path-breaking briefing report *Affirmative Action in American Law Schools*, a critical evaluation of the use of racial preferences in American law school admissions. This Commission finds that “admitting students into law schools for which they might not academically be prepared could harm their academic performance and hinder their ability to obtain secure and gainful employment...” Moreover, the Commission finds that racial preferences might also contribute to racial income and wealth disparities. The Commission expresses particular concern about the lack of transparency in law school admissions, urging legislation to require federally-funded law schools to publicly disclose their use of racial preferences.

The Commission admonished that the American Bar Association’s Council of the Section of Legal Education and Admissions of the Bar has adopted a diversity standard that tacitly prods law schools to use racial preferences in student admissions. The Commission criticizes the ABA standard because it “substitutes the judgment of the Council for that of the law schools in deciding whether diversity is essential to their educational mission.”

Chairman Gerald A. Reynolds commented, “Race-based admissions have been found to harm minority law students by setting them up for failure. Law schools that continue to use racial preferences despite this evidence should at least disclose the risks of academic mismatch to minority student applicants.” Continuing, Chairman Reynolds said, “A true civil rights strategy would focus on these students much earlier in their educational development, rather than providing them with inadequate training and then using preferential treatment to admit them into schools at which they are likely to fail.”

The Commission approved the body of the report, exclusive of the findings and recommendations, by a vote of 6 to 0. Chairman Gerald A. Reynolds, Vice Chair Abigail Thernstrom, and Commissioners Jennifer C. Braceras, Gail Heriot, Peter N. Kirsanow, and Ashley L. Taylor, Jr. voted in favor. Commissioners Arlan D. Melendez and Michael Yaki abstained. The Commission approved the findings and recommendations by votes of 6 to 2, 6 to 1 and 5 to 2, with some abstentions. Chairman Gerald A. Reynolds, Vice Chair Abigail Thernstrom, and Commissioners Jennifer C. Braceras, Gail Heriot, and Peter N. Kirsanow voted in favor of the findings and recommendations. Commissioner Ashley L. Taylor, Jr. voted in favor of all findings and recommendations except for one on which he abstained. Commissioner Arlan D. Melendez voted against the findings and recommendations. Commissioner Michael Yaki voted against all findings and recommendations except for one on which he abstained.

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The U.S. Commission on Civil Rights is an independent, bipartisan agency charged with monitoring federal civil rights enforcement. Members include Chairman Gerald A. Reynolds, Vice Chairman Abigail Thernstrom, and Commissioners Jennifer C. Braceras, Gail Heriot, Peter N. Kirsanow, Arlan D. Melendez, Ashley L. Taylor, Jr., and Michael Yaki. Kenneth L. Marcus is Staff Director. Commission meetings are open to the media and general public.

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