

# Selendy Gay Files Amicus Brief Urging the US Supreme Court to Preserve Race-conscious Admissions

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Attorneys at Selendy Gay, in an amicus brief on behalf of the National Academy of Education, urged the US Supreme Court to preserve race-conscious admissions policies at colleges and universities. Partners Lena Konanova and Caitlin Halligan and associate Mathew Elder authored the brief, which supports Harvard College and the University of North Carolina, respondents in two upcoming cases.

The cases have made national headlines in recent months as Students for Fair Admission, a group comprised of individuals who object to affirmative action policies, has asked the Supreme Court to overturn their 2003 landmark affirmative action decision in *Grutter v. Bollinger*. In that case, the Justices found the Equal Protection Clause allows race to be a factor in admissions so long as the goal is “to further a compelling interest in obtaining the educational benefit that flow from a diverse student body.”

The amicus, the National Academy of Education, is a nonpartisan, nonprofit organization that advances high-quality research to improve education policy and practice. It has a long history of examining social science research related to race-conscious education policies.

It is in the best interest of colleges and universities to create a racially diverse student body, Selendy Gay’s brief argues. However, creating this student body diversity is challenging because conditions impacting a student’s ability to attain higher education are extremely unequal for underrepresented minority students. A fulsome body of research evidences that underrepresented minority students today are more likely to experience school segregation than they were forty years ago, are more likely to experience poverty and are less likely to have parents with high levels of educational attainment, inequities that have only been deepened by COVID-19 pandemic.

The brief concludes that race-conscious admissions are the only effective means at this juncture to produce the critical mass of racial diversity that the nation’s top universities and colleges need to prepare future generations of leaders. As the brief explains, studies show universities and colleges that have

adopted race-neutral alternatives have been unable to replicate the desired diversity achieved through race-conscious admissions.

*Summer associates Jacob Maiman-Stadtmauer and Eben Blake contributed to this brief.*

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