Respect

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Affirmative Action in College Admissions Is Struck Down *by Michael Barbella*

In June 2023, the U.S. Supreme Court issued a ruling that ended affirmative action in higher education. The Court's decision reverses decades of legal precedent, ending a longstanding practice where colleges could consider a person's race in the admissions process.

The term "affirmative action" was first coined in an executive order issued by President John F. Kennedy in 1961. The order referred to measures designed to achieve "non-discrimination" in employment. Eventually, affirmative action became a policy—applied in various settings—designed to eliminate unlawful discrimination among applicants. The intent was to remedy prior discrimination, as well as prevent future discrimination.

In the 1965 commencement address at Howard University, then President Lyndon Johnson said, "You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, 'You are free to compete with all the others,' and still justly believe that you have been completely fair."

Earlier decisions by the U.S. Supreme Court, known as legal precedent, permitted affirmative action in higher education. With its 1978 decision in *Regents of University of California v. Bakke*, the Court decided that quotas could not be used to reserve spaces for minority students; however, it upheld the constitutionality of using race as a factor in making admission decisions. In the 2003 case of *Grutter v. Bollinger*, the Court ruled that narrowly tailoring the use of race in admissions is constitutional "to further a compelling interest in obtaining the educational benefits that flow from a diverse student body."

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Transgender Teens Face Discrimination from Gender-Affirming Care Bans *by Sylvia Mendoza*

The teenage years can be tough for a lot of people—peer pressure, social angst, academics, etc. Transgender youth must navigate those issues too, as well as special healthcare concerns.

According to the Human Rights Campaign, an advocacy organization promoting equity for the LGBTQ+ community, 22 states now have laws or policies in place banning gender-affirming care for transgender **minors**, aged 13 to 18. New Jersey does not have a gender-affirming care ban; however, more than 35% of transgender youth live in states that do.

A June 2022 report by the Williams Institute, a UCLA Law School think tank that conducts research on sexual orientation and gender identity law, revealed that 1.6 million people in the U.S. identify as transgender—18% or nearly 300,000 people are between the ages of 13 and 17. A transgender person, according to the National Center for Transgender Equality, is someone whose gender identity—their instinctive knowledge of who they are—does not align with the sex assigned to them at birth.

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Caste Discrimination Comes to the U.S. *by Daryl E. Lucas*

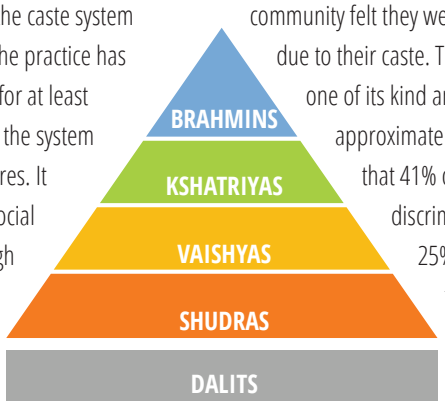
In recent years, America has seen growing discussions and legal debate on a form of discrimination that has its roots in some communities from the South Asian diaspora, one of the largest and fastest-growing immigrant communities in the United States. Though caste discrimination was outlawed in India and other South Asian countries decades ago, data and surveys show the practice persists, and has made its way to the United States.

According to the Migration Policy Institute (MPI), a **nonpartisan** think tank dedicated to improving immigration policies through research and analysis, the United States' Indian population—people either born in India or who have Indian ancestry—started growing in the 1980s. Today, according to U.S. Census figures, America's South Asian diaspora, which includes those from India, as well as Bangladesh, Bhutan, the Maldives, Nepal, Pakistan and Sri Lanka—totals more than 4 million.

Diaspora is a Greek word that means "to scatter about" and is defined as the spread of a people from their homeland to another geographical place. In other words, a particular ethnic group—in this case, those from India or other South Asian countries—have immigrated to the United States, bringing with them aspects of their culture. Even though India banned caste discrimination in 1950 and has since adopted affirmative action and other policies to protect so-called "lower" caste individuals, such discrimination continues among South Asian immigrant communities in the United States.

What is caste?

According to a study on the caste system by the Pew Research Center, the practice has existed in some form in India for at least 3,000 years, with some saying the system is spelled out in Hindu scriptures. It is a deeply rooted system of social hierarchy passed down through families that dictates, for example, the profession a person can have, as well as other aspects of a person's social life, including whom they can marry.



At the so-called "top" of the hierarchy are the Brahmins, comprised of priests or religious leaders and academics. Then comes the Kshatriyas, who are rulers, administrators, and warriors, followed by Vaishyas, who are artisans, tradesmen, farmers or merchants, and then the Shudras who work as manual laborers. At the very "bottom" of the hierarchy are Dalits, who work as street cleaners or perform other menial tasks. Dalits are often called "Untouchables" because they were forbidden to touch someone in a higher caste. They are segregated from society, and some are barred from places of worship. They also experience prejudice in other areas of life such as housing and education. Many Dalits came to America to escape persecution, only to experience similar discrimination in the United States as those from upper castes often occupy the same workforce here.

Despite India's ban on caste discrimination, bias against the Dalit people persists to this day. According to India's National Crime Records Bureau, 51,000 crimes were committed against Dalits in 2021.

Here in the U.S., a 2018 report titled, *Caste in the United States*, produced by Equality Labs, a South Asian American rights organization based in Oakland, CA, revealed that 67% of the Dalit community felt they were treated unfairly at work due to their caste. The survey, which is the only one of its kind and includes responses from approximately 1,200 Dalits, also revealed that 41% of respondents experienced discrimination in education and 25% of those surveyed said they had been physically assaulted in the United States because of their caste. According to Equality Labs, respondents to the survey came from a wide array of companies and professions, from factory workers at Campbell Soup to skilled workers at Google and other tech companies.

Lawsuit alleges caste discrimination

In July 2020, the California Civil Rights Department sued Cisco Systems, Inc., a Silicon Valley tech company, and two of its managers for discriminating against an engineer. The engineer, who is not named in the suit for fear of retaliation, claimed he was outed as a member of the Dalit caste by his managers, and then denied a raise and opportunities to advance in the company. The

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Jodi L. Miller
Editor

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lawsuit claims the engineer was retaliated against when he pushed back against "unlawful practices, contrary to the traditional order between the Dalit and higher castes." Noted in the lawsuit is that the engineer in question worked on a team with other Indians who had emigrated to the United States. With the exception of the engineer, the other members of the team were of a "higher" caste.

According to reporting from *The Washington Post*, after the Cisco lawsuit was announced, Equality Labs received nearly 260 complaints from workers in the tech industry regarding caste bias. Thenmozhi Soundararajan, executive director of Equality Labs, told *The Washington Post*, the complaints included "caste-based slurs and jokes, bullying, discriminatory hiring practices, bias in peer reviews, and sexual harassment."

"Just like racism, casteism is alive in America and in the tech sector," Raghav Kaushik, a Microsoft engineer who was born into a "high" caste but for many years has advocated for those in "lower" castes, told *The Washington Post*. "What is happening at Cisco is not a one-off thing; it's indicative of a much larger phenomenon."

Cisco Systems received its first complaint from the engineer in 2016 and investigated. The company said it followed state, federal, and company guidelines surrounding the prohibition against harassment and discrimination in the workforce. It found no wrongdoing by the two managers because caste discrimination is not recognized in the U.S.

Employment law in the United States does not specifically ban caste discrimination; however, California's Department of Fair Employment and Housing argues that the Hindu faith's caste system is based on a protected class—namely religion.

A protected class is a person or group of people who are legally protected from discrimination or harm if they possess certain characteristics. The Civil Rights Act of 1964 outlined three protected classes—race, religious belief and national origin. Federal laws passed after 1964 increased the number of protected classes to 11, adding, among others, age, sex, which includes sexual orientation, and disability to the list.

In a *University of Chicago Law Review* article, Guha Krishnamurthi, a professor at the University of Maryland Francis King Carey School of Law, writes that there are reasons to recognize caste discrimination in its own right as it might not fit into one of the defined protected classes.

"The nature of caste as a category is distinctive: it does not squarely fit within race, spans various religions, and is not generally considered an ethnicity," Professor Krishnamurthi wrote. "Thus, caste discrimination might not be based on the commonly understood categories of race, color, national origin, or ethnicity."

In April 2023, the California Civil Rights Department dismissed its case against the individual managers at Cisco but are still pursuing litigation against the company.

Protecting against caste in the U.S.

In February 2023, the Seattle City Council voted 6-1 to approve an **ordinance** that adds caste discrimination to its anti-discrimination laws. The measure bans caste-related discrimination and harassment in employment, public accommodation and housing. Seattle is the first American city to recognize caste discrimination and establish a ban on the practice. In September 2023, Fresno followed suit, passing similar legislation.

California state Senator Aisha Wahab introduced **legislation** in March 2023 that would add caste as a protected category under California's anti-discrimination law. The bill passed by a wide margin in the State Assembly and Senate; however, in October 2023, California Governor Gavin Newsom **vetoed** the bill, claiming the state's discrimination laws were sufficient to protect citizens from caste bias.

"In California, we believe everyone deserves to be treated with dignity and respect, no matter who they are, where they come from, who they love, or where they live," Governor Newsom said in a letter notifying lawmakers of his veto. "That is why California already prohibits discrimination based on sex, race, color, religion, ancestry, national origin, disability, gender identity, sexual orientation, and other characteristics, and state law specifies that these civil rights protections shall be liberally construed. Because discrimination based on caste is already prohibited under these existing categories, this bill is unnecessary."

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Setting aside precedent

The Court's 2023 ruling was prompted by separate lawsuits filed against Harvard University and the University of North Carolina (UNC) by Students for Fair Admissions (SFFA), a non-profit group that seeks equity in higher education admittance. During oral arguments before the Court, the attorney for SFFA urged the Court to overturn its 2003 decision in *Grutter*, which justified the University of Michigan Law School's affirmative action program. The attorney called the decision "grievously wrong" and a contradiction of the Fourteenth Amendment's equal protection guarantee.

North Carolina Solicitor General Ryan Y. Park, who represented the University of North Carolina, said the issue is not so clear-cut. During oral arguments, Park told the Court that UNC was only following the Court's precedent, considering race "only minimally."

In its 40-page decision, the Court acknowledged permitting race-based college admissions programs in *Bakke* and *Grutter* but noted those initiatives were allowed under narrow restrictions. Neither Harvard's nor UNC's admissions programs operate under such narrow restrictions, the Court ruled. And while both schools use race-based evaluations to achieve "commendable" goals—idea exchange and leadership training, among others—those goals are too vague to truly measure, Chief Justice John G. Roberts Jr. wrote in the Court's **majority opinion**.

"Many universities for too long...have concluded, wrongly, that the touchstone of an individual's identity is not challenges bested, skills built, or lessons learned but the color of their skin. Our constitutional history does not tolerate that choice," Chief Justice Roberts wrote.

The Court determined that Harvard and UNC use race in a negative manner for admission purposes through stereotyping and deliberately avoiding minority underrepresentation. Such efforts, consequently, ensure that "race will always be relevant...and the ultimate goal of eliminating race as a criterion will never be achieved," the Court ruled.

At issue in the Court's ruling was its interpretation of the Fourteenth Amendment's Equal Protection Clause, which guarantees every citizen equal protection under the nation's laws. Such protections are lacking, according to the Court, under race-based college admissions programs and, therefore, are unconstitutional.

Solangel Maldonado, a professor at Seton Hall University Law School who teaches courses on race, ethnicity and the law, explains that with the Grutter decision the Court adopted the view that student body diversity was a permissible rationale to justify using race in university admissions under the U.S. Constitution.

"In *Grutter*, this was a big issue," says Professor Maldonado. "In using the diversity rationale, the Court [in *Grutter*] was saying that it is important to have a diverse student body."

Professor Maldonado notes that with the Court's current ruling, it is "basically stepping away from that." She also points out that with this ruling the Court made it clear that its decision applies not just to public universities but to private universities as well—something that it had never expressly said before.

Dissenting opinions

Justices Ketanji Brown Jackson, Elena Kagan, and Sonia Sotomayor dissented. Justice Jackson—the Court's first Black female justice—recused herself from the Harvard case, as she served, until last year, on the school's Board of Overseers. She did, however, write a dissent in the UNC case.

Justice Sotomayor's 69-page dissent accused the majority on the Court of rolling back decades of legal precedent and "momentous progress" in affirmative action. The Court's opinion, she contended, is not based in law or fact, and contradicts the "vision of equality embodied in the Fourteenth Amendment."

"[The Court] holds that race can no longer be used in a limited way in college admissions to achieve such critical benefits. In so holding, the Court cements a superficial rule of colorblindness as a constitutional principle in an endemically segregated society where race has always mattered and continues to matter," Justice Sotomayor wrote. "The Court subverts the constitutional guarantee of equal protection by further entrenching racial inequality in education, the very foundation of our democratic government and **pluralistic** society."

> "Deeming race irrelevant in law does not make it so in life."

Justice Jackson addressed the notion of colorblindness in her dissent as well. "Our country has never been colorblind," Justice Jackson wrote. "Deeming race irrelevant in law does not make it so in life."

Justice Sotomayor addressed the Fourteenth Amendment claims in her dissent, noting that the amendment clearly does not impose a "blanket ban" on race-conscious policies, nor does it forbid governments from considering race to achieve equality. She cited the Freedmen's Bureau Act of 1865 as an example, reminding her fellow justices that the agency provided essential funding for Black education during Reconstruction as the Bureau believed that education "was the foundation upon which all efforts to assist the freedmen rested." In fact, it was through this act, that many Historically Black Colleges and Universities (HBCUs) were established, including Howard University, Morehouse College and Hampton University, to name a few.

Professor Maldonado explains that the Fourteenth Amendment was part of the Reconstruction Amendments, along with the Thirteenth and Fifteenth Amendments, passed after the Civil War to protect the formerly enslaved from discrimination.

"The whole point of these amendments was to guarantee equal treatment for African Americans. Justice Sotomayor looked at the history and pointed out

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that Congress was trying to make things right," Professor Maldonado explains. "If you look at the history and look at the amendment's original intent, then you see that race-conscious policies were always intended as part of the Fourteenth Amendment. You cannot look at the Fourteenth Amendment without looking at its historical context."

"No End in Sight"

Besides clashing over constitutional interpretations, the Court also was divided about an "end point" for affirmative action. The Court's majority stated that both Harvard and UNC lack a logical end date for their respective race-based admissions programs as suggested by *Grutter*.

In *Grutter*, the late Justice Sandra Day O'Connor wrote for the majority that "25 years from now the use of racial preferences will no longer be necessary."

Writing for the majority of the Court, Chief Justice Roberts states, "Twenty years later, no end is in sight."

Justice Jackson wrote in her dissent, "Equality is an ongoing project in a society where racial inequality persists. A temporal requirement that rests on the fantasy that racial inequality will end at a predictable hour is illogical and unworkable."

Not totally dismissed

Despite its reversal on affirmative action policies for college admission, the Court did not totally dismiss race as

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Legacy Admissions Coming Under Fire

Since the U.S. Supreme Court issued its ruling ending affirmative action, legacy admissions also have come under fire. Legacy college admissions give an advantage to applicants who have a family connection to an alumni from that college or university.

In a speech after the Court announced its affirmative action ruling, President Joseph Biden directed the U.S. Education Department to study "practices like legacy admissions and other systems that expand privilege instead of opportunity." A 2022 Pew Research Center survey found that 75% of those surveyed think legacy should not be a factor in college admissions.

"The public was always opposed," Richard Kahlenberg, of Georgetown University's McCourt School of Public Policy who edited the book *Affirmative Action for the Rich: Legacy Preferences in College Admissions*, told *The Hill*. "They always thought it was offensive that ancestry should matter in who gets into a selective college."

Opportunity Insights, a **nonpartisan** research and policy institute, funded in part by the Bill and Melinda Gates Foundation, released a study of admissions data in August 2023. The study analyzed the 100 highest ranked colleges and universities and found that 78% of private institutions gave at least some consideration to legacy compared to 15% of public institutions. In addition, the study found that a legacy applicant, especially from a wealthy family, was five times more likely than another student with the same SAT score to gain admission to an Ivy League institution.

Investigation launched

In July 2023, the U.S. Education Department's Office of Civil Rights opened an investigation into Harvard University's legacy admissions policy. The investigation was prompted by a complaint filed by the Chica Project, the African Community Economic Development of New England, and the Greater Boston Latino Network. The complaint claims that Harvard's policy gives an unfair advantage to the children of wealthy donors and alumni.

"Let's be clear—legacy and donor admissions have long served to perpetuate an inherently racist college admissions process," Derrick Johnson, the president of the NAACP told *The New York Times*. "Every talented and qualified student deserves an opportunity to attend the college of their choice. Affirmative action existed to support that notion. Legacy admissions exist to undermine it."

While Justice Neil Gorsuch sided with the majority in ending affirmative action, he wrote a **concurring opinion** in the Harvard case where he addressed legacy admissions.

"Its [Harvard's] preferences for the children of donors, alumni, and faculty are no help to applicants who cannot boast of their parents' good fortune or trips to the alumni tent all their lives," Justice Gorsuch wrote. "While race-neutral on their face, too, these preferences undoubtedly benefit white and wealthy applicants the most."

According to Education Reform Now, a nonprofit organization that works for educational reform, more than 100 colleges and universities have ended their legacy admission policies since 2015. Wesleyan University, Occidental College, as well as the University of Minnesota, are the most recent educational institutions to eliminate legacy admissions. *—Jodi L. Miller*

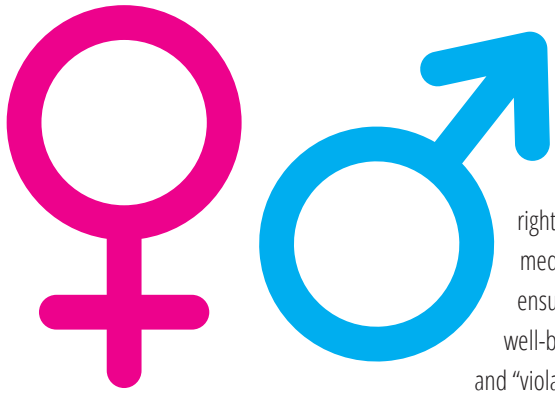
Care Bans CONTINUED FROM PAGE ONE

What is gender-affirming care

Gender-affirming care covers a range of social, psychological, behavioral, and medical interventions, according to the World Health Organization. Treatments include talking with a therapist or counselor, taking medications that pause puberty, receiving hormone therapies, and surgery.

"The thing that many people think of when they hear gender transition procedures is surgery," explains Katie Eyer, a professor at Rutgers Law School in Camden and a former LGBTQ+ rights attorney. "That's rarely actually what's at issue. It's much more likely to be things like puberty blockers, which help delay puberty while the user makes a decision about what they want to do in terms of further medical treatment."

The Association of American Medical Colleges, a nonprofit dedicated to improving health through medical education, health care, medical research, and community collaborations says the timing for treatment should center around a patient's cognitive and physical development as well as parental consent. The Endocrine Society, a global community of clinicians, recommends waiting until a teenager can give informed consent to start hormone therapy and indicates that surgery is rarely provided to those under 18.



Medical associations like the American Academy of Pediatrics, the American Medical Association, and the World Professional Association for Transgender Health support transition-related care and publish guidelines on age-appropriate timelines for care.

"Critics of our gender-affirming care policy mischaracterize it as pushing medical or surgical treatments on youth," Dr. Moria Szilagyi, the 2022 president of the American Academy of Pediatrics, wrote in a statement. "In fact, the policy calls for the opposite: a holistic, collaborative, compassionate approach to care with no end goal or agenda."

Gender-affirming care bans

Debates over gender-affirming care center on the age such care should be provided. Proponents of bans argue they protect minors from making decisions they could later regret.

In some states, like Alabama, Indiana, Kentucky, and Florida, federal judges have blocked gender-affirming bans from taking effect while legal challenges work their way through the court system. Oklahoma's ban would make it a felony to provide gender-affirming care for transgender people under the age of 26. Oklahoma agreed not to enforce its ban until lawsuits challenging it had been resolved.

Other states have allowed the bans to take place even when they have been challenged. In Texas, for example, the Texas Supreme Court allowed its gender-affirming care ban to take effect in September 2023. The state's highest court heard a case challenging the law in January 2024.

In Georgia, the parents of four transgender girls challenged the state's ban on hormone replacement therapy, arguing the law "violates the fundamental rights of parents to make medical decisions to ensure the health and well-being of their children" and "violates the guarantees of equal protection by denying transgender youth essential, and often lifesaving, medical treatment..." In June 2023, a federal Georgia judge temporarily blocked the law from going into effect; however, in September 2023, the judge restored the enforcement of the law.

At press time, no decision had been reached in the Texas or Georgia cases.

Carlos Ball, a professor at Rutgers Law School in Newark who is a national expert on LGBTQ+ rights has been teaching classes on constitutional law, as well as sexuality, gender identity, and the law for nearly 30 years, says the gender-affirming care bans infringe on constitutional rights in at least a couple of ways.

"First, they impermissibly discriminate against transgender minors. The same treatments are not banned when they are used in ways that are intended to support the sex of minors that were assigned at birth," Professor Balls says. "The bans also infringe on the constitutional rights of parents of transgender minors to choose among medically available and recommended treatments that they believe are best for their children. The U.S. Supreme Court has recognized that parents have a constitutional right to make important decisions about their children's well-being."

A decision in Arkansas

In 2021, Arkansas was the first state in the nation to ban gender-affirming care for transgender minors. The Arkansas law banned all gender-affirming care for transgender youth—even with parental consent. In 2022, the law was challenged by four families of transgender youth, including Dylan Brandt, as well as two doctors. An eight-day trial took place in December 2022.

U.S. District Judge James Moody of the Eastern District of Arkansas issued a landmark decision in *Brandt et. al. v. Rutledge* in June 2023. The Arkansas court ruled the law is unconstitutional and violated the Equal Protection Clause, the Due Process Clause, and the First Amendment of the U.S. Constitution.

"Rather than protecting children or safeguarding medical ethics, the evidence showed that the prohibited medical care improves the mental health and well-being of patients and that, by prohibiting it, the state undermined the interests it claims to be advancing," Judge Moody wrote in his ruling. "The testimony of well-credentialed experts, doctors who provide gender-affirming medical care in Arkansas, and families that rely on that care directly refutes any claim by the State that the Act advances an interest in protecting children."

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In a statement after the ruling was announced, 17-year-old Dylan Brant offered thanks to the judge.

"I'm so grateful the judge heard my experience of how this health care has changed my life for the better and saw the dangerous impact this law could have on my life and that of countless other transgender people," said Brandt. "My mom and I wanted to fight this law not just to protect my health care, but also to ensure that transgender people like me can safely and fully live our truths. Transgender kids across the country are having their own futures threatened by laws like this one, and it's up to all of us to speak out, fight back, and give them hope."

Professor Ball says, "Judge Moody's decision is important because it follows his holding of the only full trial that has been held so far assessing the constitutionality of the gender-affirming healthcare bans."

In a statement after the ruling, Arkansas's Attorney General announced he would appeal the decision to the 8th U.S. Circuit Court of Appeals.

Repercussions of gender-affirming care bans

"With the Arkansas law, there was a lot of testimony from both individuals and mental health professionals about genuine concerns—that this would create suicide risks for an already very vulnerable population of youth being subjected to really high levels of stigma and discrimination," says Professor Eyer.

A National Institutes of Health study found that transgender youth who take puberty blockers are less likely to experience lifelong suicidal thoughts than those who want the care and don't get it. In states where gender-affirming care has been banned, families are truly in limbo as they wait for the legal process to play out, says Professor Eyer.

"Once the legal system has spoken, you don't necessarily have any ability to change that," Professor Eyer says. "The reality of the legal process is quite long. For kids who are going through puberty now, there isn't like 'let's wait two years and then this will all be resolved.'"

Families might have to travel to or relocate to different states to obtain care, Professor Eyer notes, and not all parents can afford that.

Professor Ball says he found in researching his book, *The First Amendment and LGBT Equality: A Contentious History*, that "The fight for civil rights in this country has never been a straight line. It seems that for every important civil rights victory there has been backlash by those who resist change. So, while laws such as the gender-affirming healthcare bans are highly troubling, transgender people today have forms of visibility and support that make me hopeful for the future." •

1. Were you surprised to learn that gender-affirming care covers much more than surgery and that advocates say that care can be life-saving for transgender youth who experience high rates of depression? Explain your answer.
2. Should states be allowed to override parental decisions in the care of transgender youth? Why or why not?

Caste CONTINUED FROM PAGE SIX

Leading the opposition to the California legislation or any legislation banning caste are National Hindu groups such as the Hindu American Foundation (HAF), a Washington, D.C. advocacy group. These groups contend that since the caste system and Hinduism are closely aligned, this type of legislation stigmatizes Hindus and people from South Asia.

HAF Executive Director Suhag Shukla told Religious News Service in 2020, "In my work with thousands of Hindus and hundreds of Hindu communities throughout the U.S., caste identity is largely irrelevant in their day-to-day lives and interactions with one another." Shukla contended that most U.S.-born, second-generation Hindus wouldn't even know how to identify someone's caste.

One place where there is growing support for banning caste discrimination is on college campuses. In November 2019, Brandeis University updated its code of conduct and non-discrimination policy to include caste, becoming the first university to do so. Colby College in Maine followed suit in 2021. In 2022, California State University and Brown University updated their policies to include caste. In 2023, Rutgers University faculty approved a contract that included caste discrimination protection. •

1. What do you think of India's (and other South Asian countries) caste system? What are the similarities between the caste system and Black Americans' struggle for equality?
2. Would you favor adding caste discrimination to the list of protected classes? Why or why not?

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a factor for applicants. Chief Justice Roberts said prospective students can still discuss race in the essays that accompany their applications but warned that "universities may not simply establish through application essays or other means the **regime** we hold unlawful today."

Chief Justice Roberts went on to say in the opinion, "A benefit to a student who overcame racial discrimination, for example, must be tied to that student's courage and determination. Or a benefit to a student whose heritage or culture motivated him or her to assume a leadership role or attain a particular goal must be tied to that student's unique ability to contribute to the university. In other words, the student must be treated based on his or her experience as an individual—not on the basis of race."

According to Professor Maldonado, "The Court is saying you can't just check the box anymore, but it's not saying that someone cannot talk about their racial identity in their [college] application. A student can discuss how their racial experiences and background has allowed them to bring their unique perspective or skills to a college campus."

According to a January 2024 New York Times article, the Court's ruling has caused many college students to rethink what they write in their college essays, putting an emphasis on their racial identity. •

1. The Court ruled that college applicants can still discuss race in their admission essays. Is that approach enough to create a diverse student body? Explain your answer.
2. Do you think being exposed to people from backgrounds different than your own is beneficial? Why or why not?
3. Read the sidebar "Legacy Admissions Coming Under Fire" on page 5. If affirmative action is ending, should legacy admissions also end? Explain your answer.

Glossary

concurring opinion — a separate opinion delivered by one or more justices or judges that agrees with the decision of the court but not for the same reasons. **diaspora** — the dispersion or spread of a people from their original homeland. **legislation** — the enactment of law by a legislative body (i.e., Congress or a state legislature). **majority opinion** — a statement written by a judge or justice that reflects the opinion reached by the majority of his or her colleagues. **minor** — someone under the age of 18. **nonpartisan** — not adhering to any established political group or party. **ordinance** — a piece of legislation enacted by a municipal authority. **pluralistic** — relating to a system of thought that recognizes more than one ultimate principle. **precedent** — a legal case that will serve as a model for any future case dealing with the same issues. **regime** — a system or planned way of doing things. **reverse** — to void or change a decision by a lower court. **veto** — to refuse approval or passage of a bill that has been approved by a legislative body. The executive branch of government (President or Governor) has the power to veto, but that power may be overridden with enough support.