

Opinion: Affirmative action in college admissions threatened

By Ben Backes, Brookings Brief

In the coming months, the Supreme Court will consider—again—whether UT Austin’s use of racial preferences in undergraduate admissions decisions violates the Equal Protection Clause of the Fourteenth Amendment.

In 2013, the Supreme Court ruled that the Fifth Circuit Court of Appeals had failed to apply strict scrutiny in affirming UT Austin’s admissions policy, thus vacating the Fifth Circuit’s original decision and sending the case back down. In the following year, the Fifth Circuit re-affirmed the university’s admissions practices, which was again appealed, and in June of 2015 the Supreme Court announced that they would once again hear Abigail Fisher’s challenge in *Fisher v University of Texas Austin*, which is now scheduled for the coming December.

As with the original hearing, there is the possibility that the pending decision will make it more difficult for universities to justify using race as a factor in admissions.

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