

Presidential Statement on the Recent Supreme Court Decision on Affirmative Action

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I found the recent Supreme Court decision in *FFA v. Harvard* disappointing if expected. Writing for the majority, Chief Justice Roberts wrote that the consideration of race in admissions by Harvard University and the University of North Carolina at Chapel Hill violated the Equal Protection Clause of the 14th Amendment. The decision stated that the Constitution guarantees equal rights to individuals, not to groups. In that spirit, the decision held that, “the student must be treated based on his or her experiences as an individual – not on the basis of race.”

The problem is that the rest of society does not necessarily follow the principle of individual merit. Chief Justice Roberts continued, “Many universities have for too long done just the opposite. And in doing so, they 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.” But don’t too many black and brown people in the United States find their merits discounted because of the color of their skin? Justices Jackson and Sotomayor both alluded to this reality in their dissents. Unless all aspects of society adhere to the Equal Protection Clause, then singling out higher education, which research has shown to impact multiple aspects of well-being and success, further puts certain marginalized groups at risk.

The court’s decision did not completely close the door on affirmative action. In his majority decision Justice Roberts wrote that, “Respondents fail to operate their race-based admissions programs in a manner that is ‘sufficiently measurable to permit judicial [review]’ under the rubric of strict scrutiny.” The implication is that, if universities could measure more concretely the benefits of racial and ethnic diversity in higher education, then consideration of race in admissions might be allowable. The more than 100 references providing such evidence that were listed in the amicus briefs submitted by [AERA](#) and the [National Academy of Education](#) provided insufficient evidence. As arguably the premier educational measurement organization in the world, could NCME not view this decision as the hurling of a gauntlet for us to take up?

I hope that now, more than ever, researchers will focus their work toward bettering the lives of all segments of society. NCME has many outlets for targeted research on this subject: The 2024 Annual Meeting, submissions to the Mission Fund, submissions to the Equity in Assessment and Measurement Webinar (call to be released in the fall), or outlines on this topic submitted for the edited book series. As quantitative researchers, let’s continue to do our part to promote an equitable society.