

Project on Fair Representation

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Press Release

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UNIVERSITY OF TEXAS-AUSTIN SUED OVER RE-INTRODUCTION OF RACIAL AND ETHNIC PREFERENCES IN UNDERGRADUATE ADMISSIONS

(Austin, Texas) A federal lawsuit was filed today in Austin, Texas challenging the use of racial and ethnic classifications and preferences in undergraduate admissions by the University of Texas-Austin. The complaint and subsequent filings can be found at:

www.projectonfairrepresentation.org (“current litigation”).

The lawsuit claims that UT-Austin’s undergraduate admissions program violates the Fourteenth Amendment of the Constitution of the United States and federal civil rights statutes because of the University’s re-introduction of race and ethnicity as a factor in the freshman admissions process.

A Richmond, Texas high school student who graduated near the top of her class is the named plaintiff. Other rejected applicants to UT-Austin are encouraged to contact the Project on Fair Representation through www.utnotfair.org

The lawsuit claims that the University of Texas’s admissions policies discriminate against the plaintiff on the basis of her race and seeks to have UT-Austin re-evaluate her for admissions to the undergraduate program under race-neutral criteria. Additionally, the

lawsuit seeks to prevent UT-Austin from using race as a factor in all undergraduate student admissions decisions.

The complaint notes that beginning in 1996, all educational institutions in Texas were forbidden from considering race and ethnicity in the admissions process after a ruling by the Fifth Circuit Court of Appeals in *Hopwood v. Texas*. In response to *Hopwood*, the Texas legislature passed House Bill 588, also referred to as the “Top-10 Percent Plan,” a race-neutral admissions plan which allows all Texas high school students who graduate in the top-10 percent of their class to attend any state university. This plan has resulted in an increase in the number of minorities accepted to UT-Austin.

In 2003, however, the *Hopwood* case was effectively overruled by the Supreme Court’s decision in *Grutter v. Bollinger*, 539 U.S. 306 (2003), in which the high court held that the use of racial and ethnic preferences was permitted in college admissions to achieve diversity until 2028, but only after race-neutral means had been found inadequate. The present lawsuit claims that Top-10 Percent Plan is a successful race-neutral program that forecloses UT-Austin from considering a student’s race or ethnicity in admissions and that the University failed to consider and take advantage of alternative race-neutral means of achieving “diversity” prior to implementing their racially-discriminatory policies.

Counsel for the plaintiff is Mr. Bert W. Rein, of Wiley Rein, L.L.C., Washington, DC. (202) 719-7000. www.wileyrein.com.

The plaintiff and her family will not grant interviews to the news media. All questions should be directed to Mr. Edward Blum or Mr. Bert Rein. Press conferences to discuss this lawsuit will be held in Dallas and Houston tomorrow. More details will be forthcoming.

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