

Students for Fair Admissions v. Harvard: A Consequential Supreme Court Ruling Sparking Considerable Debate and Clarifying Decades of Affirmative Action Jurisprudence

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ABSTRACT

The United States Supreme Court has historically viewed the practice of affirmative action, where racial minorities are given a boost in areas such as university admissions, with heightened scrutiny. This paper examines the Supreme Court's decision in *Students for Fair Admissions v. The President and Fellows of Harvard College*, 600 U.S. 181 (2023), which effectively terminated affirmative action in America's higher education institutions. It considers the importance of previous rulings, precedents, and statutes, as well as the decision's effect on debates concerning race and the Fourteenth Amendment.

Current legal discussions emphasize the ruling's importance in shaping college admissions and bringing many diversity initiatives to a standstill. However, this paper highlights that the effects of the Court's decision are best understood by looking at past precedent, set in cases like *Grutter v. Bollinger*, 539 U.S. 306 (2003), and *Regents of the University of Cal. v. Bakke*, 438 U.S. 265 (1978), emphasizing the importance of broader legal arguments over what qualifies as discrimination and how the Constitution should see race, thus filling a gap in current scholarship. While the ruling may not have explicitly rewritten precedent, it opened up a whole new chapter in race and civil rights by taking an unambiguous, less nuanced stance on affirmative action in universities, changing the narrative from previous decisions and greatly impacting enduring jurisprudential debates.

INTRODUCTION

Affirmative action, the practice of remedying historical prejudice by favoring certain groups over others, has become a contentious topic among not only students and universities but also the American public. Most recently, the Supreme Court heard the case *Students for Fair Admissions v. The President and Fellows of Harvard College*, 600 U.S. 181 (2023), which prohibited the use of race in university

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admissions. The petitioners, Students for Fair Admissions (SFFA), filed their original lawsuit against Harvard in November of 2014 on behalf of rejected students who believed that they were racially discriminated against by Harvard admissions.¹ Before this decision was announced, Harvard, among other schools (such as UNC, which was also sued by SFFA in a parallel lawsuit), openly considered race as a factor alongside SAT scores, grades, and other academic and nonacademic criteria for admissions.²

The application process was structured in such a way that students who belonged to historically underrepresented racial groups were given better odds, as a boost to increase equity and counter societal marginalization, with the goal of increasing racial diversity on campus.³ SFFA and its supporters argued that Harvard was consequently discriminating against Asian students, an allegation that ultimately became the main contention throughout the case.⁴

On June 29, 2023, the Supreme Court of the United States ruled in favor of SFFA,⁵ clarifying a decades-long precedent established in a separate ruling on *Grutter v. Bollinger*, 539 U.S. 306 (2003),⁶ and effectively ending affirmative action in America's higher education institutions. The ruling provided a clearer answer to the question of the constitutionality of affirmative action than past rulings on similar cases, pointing American jurisprudence in a more conservative direction in terms of acknowledging the social and legal issue of historical prejudice. *SFFA v. Harvard* built off of prior precedent by imposing stricter legal guidelines for the usage of affirmative action, requiring universities to demonstrate a measurable connection between diversity goals and admissions processes amid increased judicial scrutiny.

SCHOLARLY INTERPRETATIONS OF HISTORICAL AFFIRMATIVE ACTION RULINGS

In *Regents of the University of Cal. v. Bakke*, 438 U.S. 265 (1978), the Court determined that, as a result of the potentially discriminatory nature of certain race-accounting practices, such as affirmative action, systematically taking race into account during the admissions process is a concept subject to strict legal

¹ Students for Fair Admissions, accessed May 9, 2026, <https://studentsforfairadmissions.org>.

² April J. Anderson, "The Supreme Court Strikes down Affirmative Action at Harvard and the University of North Carolina," Congressional Research Service, last modified June 30, 2023, <https://www.congress.gov/crs-product/LSB10893>.

³ *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 397 F. Supp. 3d 126 (D. Mass. 2019).

⁴ *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181, slip op. at 4 (2023), https://www.supremecourt.gov/opinions/22pdf/20-1199_16gn.pdf.

⁵ *SFFA*, 600 U.S. 181, slip op. at 40.

⁶ *Grutter v. Bollinger*, 539 U.S. 306, slip op. at 320 (2003), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep539/usrep539306/usrep539306.pdf>.

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scrutiny.⁷ *SFFA v. Harvard* was not the first landmark case regarding affirmative action. It was, rather, a pivot from previous court rulings. Primarily, it aimed to synthesize interpretations of judicial precedent and relevant legislation to make the government's position on affirmative action clear, a topic that has forever been shrouded in controversy and has been the subject of a myriad of different lawsuits in the nation, likely due to the legal skepticism that it tends to receive. Legal scholars often perceive the Supreme Court's historical decisions on this matter as incredibly vague and subjective, often making it difficult for universities to promote racial diversity on campus, as affirmative action has always been received with mixed feelings on behalf of both legalists and everyday Americans.⁸ These prior cases, as vague as their precedents and definitions may be, are crucial to understanding how the Supreme Court justified its majority ruling, despite the fact that they are frequently overlooked in conversations regarding race-conscious admissions.⁹

Referencing the Constitution, SFFA alleged that Harvard's particular usage of affirmative action violated the Equal Protection Clause of the 14th Amendment, one of the most frequently cited clauses in affirmative action lawsuits.¹⁰ Evidently, the respondent's only hope to counter this claim would be to demonstrate the legality of Harvard's usage of racial preferences, since, as determined in *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), the Equal Protection Clause applies to everybody, universally, "without regard to any differences of race, of color, or of nationality," even though the amendment itself was crafted in the Reconstruction Era as a response to racism against only one particular group.¹¹

The Equal Protection Clause has often been used as an umbrella of protection for petitioners claiming inequality, oftentimes sparking intense scholarly debate over how inequality should be demonstrated beyond a reasonable doubt.¹² Those who argue that Harvard's process promoted inequality often cite that the university sought an optimal racial equilibrium and ensured that no dramatic "drop-offs" occurred in

⁷ *Regents of the University of California v. Bakke*, 438 U.S. 265, slip op. at 265 (1978), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep438/usrep438265/usrep438265.pdf>.

⁸ Peter S. Arcidiacono, Josh Kinsler, and Tyler Ransom, "Affirmative Action, Transparency, and the SFFA v. Harvard Case," *The University of Chicago Law Review*, October 30, 2020, <https://lawreview.uchicago.edu/online-archive/affirmative-action-transparency-and-sffa-v-harvard-case>, par. 3.

⁹ Ian Ayres and Richard Brooks, "SFFA v. Harvard: How Affirmative Action Myths Mask a White Bonus," *California Law Review* 107 (2019): 715, <https://www.californialawreview.org/print/sffa-v-harvard-how-affirmative-action-myths-mask-white-bonus>.

¹⁰ *SFFA*, 600 U.S. 181, slip op. at 2.

¹¹ *Yick Wo v. Hopkins*, 118 U.S. 356, slip op. at 369 (1886), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep118/usrep118356/usrep118356.pdf>.

¹² Robert C. Farnell, "Affirmative Action and the 'Individual' Right to Equal Protection," *University of Pittsburgh Law Review* 71, no. 2 (2009): 241, <https://doi.org/10.5195/lawreview.2009.136>.

the number of minority students from one class to the next; in the eyes of the majority of Supreme Court justices, Harvard lost on this key point, a key contributor to the outcome of the case.¹³

THE OVERLOOKED ROLE OF FEDERAL FUNDING

Furthermore, legislation mandates increased government oversight for institutions that benefit from federal funding. As one of the major higher education institutions in the country, Harvard enjoys a notable amount of federal funding, which makes it particularly vulnerable to statutes targeted at federally funded organizations, an underexplored detail that legal research on affirmative action often neglects, instead focusing on the Equal Protection doctrine. The government often uses funding as leverage to enforce regulations and encourage unilateral compliance from American universities.¹⁴

Despite scholarly gaps when it comes to examining the role of federal funding in shaping the Court's opinion, Title VI of the Civil Rights Act of 1964 was a decisive factor in prompting a ruling favorable to SFFA. In section 601 [42 U.S.C. 2000d], it states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving Federal financial assistance."¹⁵ With this federal law in existence, the petitioner's argument strictly relied upon the necessity of proving that Harvard's practices were discriminatory in nature. The history of the judiciary's point of view regarding affirmative action in colleges and universities throughout the nation is more nuanced than it may seem on the surface, alluding further to the legal question of whether institutions' compliance with government statutes and regulations primarily hinges on federal funding instead of traditional judicial oversight.

POTENTIAL BENEFITS OF AFFIRMATIVE ACTION AND DIVERSITY

The Supreme Court's sharpened majority opinion in *SFFA* upturned the American universities' ability to maintain campus diversity and compensate for societal racial disparities, which was Harvard's stated goal for maintaining affirmative action. In essence, the Court's conservative ruling stripped away American universities' ability to consider race as a major factor in admissions.¹⁶ Universities have been forced to

¹³ SFFA Newsroom, "Racial Discrimination and Harvard's Invidious Boxes," last modified August 22, 2022, <https://studentsforfairadmissions.org/racial-discrimination-and-harvards-invidious-boxes/>.

¹⁴ Mary-Rose Papandrea, "Money, Money, Money: Universities, Government Funding, and Academic Freedom," *George Washington University Law School Faculty Publications*, 2025, https://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=3073&context=faculty_publications, 2.

¹⁵ Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 252 (July 2, 1964).

¹⁶ George H. Hlavac and Shanna R. Fegely, "U.S. Supreme Court Strikes down Affirmative Action in College Admissions: How the Decision Impacts Institutions of Higher Education," *NACE*, September 6, June 2026
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achieve diversity through other means, like reaching out to and encouraging potential minority applicants. Supporters of affirmative action, most vocally the NAACP, cite overwhelming research highlighting numerous benefits that can come from immersion in diverse environments.¹⁷ Exposure to different people with different life stories helps create a more nuanced understanding of the world, one that colleges strive to help students build. In her dissenting opinion, Justice Sonia Sotomayor echoed the sentiments of the pro-affirmative action camp, explaining that legislation like the Constitution's Equal Protection Clause cannot be applied in a colorblind fashion. She argued that the majority ruling in fact undermines constitutional principles such as equal protection, "further entrenching racial inequality in education."¹⁸ Critics argue that aside from preventing universities from allowing their students to reap the rewards of a diverse student body, the ruling significantly threatens racial progress for historically marginalized groups. But the troubling reality is that there is no fair way to compensate for America's complex barriers of racism without legally subverting the interests of other groups as well.¹⁹ While it is true that people born into certain racial groups benefit more than others, many view it as incredibly difficult to maximize equity without incidentally creating what people perceive as potentially discriminatory side effects.

THE LEGAL CONCERN OF REVERSE DISCRIMINATION AND COMPELLING STATE INTEREST

One of the underlying issues behind affirmative action is that, because it is a process designed to counter historical discrimination, it has the potential to act as a double-edged sword and discriminate against nonminorities instead, which is barred by historical rulings. The underlying judicial precedent concerning potential reverse discrimination as a result of affirmative action was first developed in *Regents of the University of California v. Bakke*. Allan Bakke, a 35-year-old White man, was rejected from the university's medical school several times and therefore challenged its use of racial quotas in court, as 16 of 100 seats in medical school were reserved for minority applicants.²⁰ In the end, when the case reached the Supreme Court, no majority opinion prevailed, but Chief Justice Lewis Powell's opinion was used as precedent in future court cases. The Powell opinion strictly prohibited discrimination against *all*

2023,

<https://www.nacweb.org/public-policy-and-legal/legal-issues/us-supreme-court-strikes-down-affirmative-action-in-college-admissions-how-the-decision-impacts-institutions-of-higher-education/>, 2.

¹⁷ NAACP, "Affirmative Action in Education Matters for Equity, Opportunity, and the Nation's Progress," last modified 2023, <https://naacp.org/resources/affirmative-action-education-matters>, par. 7.

¹⁸ *SFFA*, 600 U.S. 181, slip op. at 141.

¹⁹ NAACP, "Affirmative Action in Education," par. 8.

²⁰ Becky Sullivan, "How the Supreme Court has ruled in the past about affirmative action," NPR, November 1, 2022, <https://www.npr.org/2022/11/01/1132935433/supreme-court-affirmative-action-history-harvard-admission-s-university-carolina>.

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applicants and established affirmative action as a compelling state interest as a result of the possibility that, if not employed properly, it can abridge the rights of nonminority applicants through the phenomenon of reverse discrimination.²¹ Scholars typically interpret the Powell opinion as having strictly defined affirmative action as permissible only if the means by which it was applied aligned with the goal of a diverse student body.²²

The outcome of *Bakke* led to the Court voting on four different aspects of the case.²³ First, in an 8-1 decision, the Court decided that Title VI of the Civil Rights Act of 1964 provided *Bakke* a cause for action. Second, in a 5-4 decision, the Court ruled that Title VI does not generally prohibit race-based admissions systems. Third, in another 5-4 decision, the Court ruled that the Equal Protection Clause of the 14th Amendment allows race, “among other factors,” to be used in the admissions process. Lastly, in yet another 5-4 ruling, the Court decided that the specific use of discriminatory practices in the University of California’s quota system was unconstitutional and mandated the university to admit Allan Bakke.²⁴ Because of this, Justice Powell’s opinion allowed for the use of race in admissions but prohibited racial quotas, citing Title VI.

FURTHER CLARIFICATION THROUGH *GRUTTER*

In 2003, Powell’s opinion was established as precedent for cases involving affirmative action by the Supreme Court’s decision in *Grutter v. Bollinger*.²⁵ *Grutter* essentially determined that using affirmative action in higher education is permissible to some extent, as, according to Justice Powell, “[The] nation’s future depends upon leaders trained through wide exposure to ideas and mores of students as diverse as this nation.”²⁶ Lastly, the Court’s majority opinion in *Grutter*, written by Justice O’Connor, suggests that while affirmative action could be viewed as a compelling state interest and a necessity in higher education in the year 2003, it should be deemed unnecessary around twenty-five years later.²⁷ This, to be sure, was purely stated as a suggestion and not as an order to shut down affirmative action by 2028.²⁸

²¹ *Bakke*, 438 U.S. 265, slip op. at 279.

²² David Chau, “Affirmative Action’s Strict Scrutiny Revisited: Creating Meaningful Compelling Interests,” *Princeton Legal Journal* 2, no. 1 (2023): 27, <https://legaljournal.princeton.edu/affirmative-actions-strict-scrutiny-revisited-creating-meaningful-compelling-interests/>.

²³ *Bakke*, 438 U.S. 265, slip op. at 265-270.

²⁴ *Id.* at 271.

²⁵ *Grutter*, 539 U.S. 306, slip op. at 323.

²⁶ *Bakke*, 438 U.S. 265, slip op. at 313.

²⁷ *Grutter*, 539 U.S. 306, slip op. at 310.

²⁸ *Id.* at 311.

The Court further clarified that affirmative action was permissible as long as it didn't create stereotypes and as long as the school wouldn't ignore individual applicants based on race, as that would "unduly harm nonminority applicants."²⁹ The majority opinion also declared that it is unconstitutional for colleges and universities to use an applicant's race as a negative,³⁰ since, as clearly stated by Title VI of the Civil Rights Act of 1964,³¹ federally funded institutions cannot discriminate, and discrimination is clearly defined as "treating a person or particular group of people differently, especially in a worse way from the way in which you treat other people, because of their race, gender, sexuality, etc."³² *Grutter* established, in a sense, that higher education institutions cannot use an applicant's particular race as a minus.³³ Instead, they could set logical targets, or goals, to increase diversity, with another motive in mind besides race.³⁴ For example, it became permissible for a school to aim for a more diverse student body to maximize student exposure to different cultures, but not to achieve specific racial quotas. Precedent established a narrow, complex guideline for separating legal diversity initiatives and illegal discrimination, one that led to plentiful constitutional debate and lawsuits like *SFFA v. Harvard*.

THE BOTTOM LINE: A REQUIRED LINK BETWEEN GOALS AND ACTIONS

Given these precedents that constructed a complex framework that more or less blurred the line of constitutionality, the petitioners aimed to entirely counter Harvard's *particular* usage of race, specifically by demonstrating that it violated the *Grutter* precedent. SFFA tried to prove that Harvard lacked a constitutional link between its practice of affirmative action and its stated campus diversity goals.³⁵ Affirmative action was happening openly, but the Court found that Harvard violated the restrictions implemented following the *Grutter* ruling by not demonstrating that it had a constitutionally permissible reason to factor race into admission decisions, according to the majority opinion.³⁶

The respondents were also required to publish specific applicant demographics for admissions cycles from 2014 through 2019 to be analyzed by witnesses.³⁷ With this data, the expert witnesses were able to make mathematical conjectures about the racial and socioeconomic status of students and allowed SFFA to experiment with certain hypothetical scenarios that would have occurred if Harvard used indisputably legal methods to accept or reject applicants. The Court also made notice of SFFA's allegations that

²⁹ Id. at 309.

³⁰ Id. at 341.

³¹ Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 252.

³² Cambridge Dictionary, "Discrimination," Cambridge University Press, accessed April 29, 2025, <https://dictionary.cambridge.org/us/dictionary/english/discrimination>.

³³ Sullivan, "How the Supreme Court Has Ruled in the Past about Affirmative Action."

³⁴ *Grutter*, 539 U.S. 306, slip op. at 367.

³⁵ *SFFA*, 600 U.S. 181, slip op. at 30.

³⁶ Id. at 31.

³⁷ Arcidiacono et al., "Affirmative Action," par. 31.

Harvard numerically examined (and “balanced”) the potential racial breakdown of the incoming class and occasionally used race as a tiebreaker between similar applicants.³⁸

During bench trials, a district court “found that race is determinative for 45 percent of the blacks and hispanics who get into Harvard.”³⁹ In the petitioner’s perspective, if race was determinative for such a large part of accepted minority applicants, then a large number of nonminority applicants would likely have been discriminated against and rejected to make room for their counterparts who were members of a particular race.⁴⁰

The petitioner made clear to the Court that Harvard’s goal was to allow the student body to benefit from the educational benefits of diversity and to be exposed to people with a diverse range of circumstances. But according to Chief Justice John Roberts’ majority opinion, which concurred with the arguments set forth by SFFA, “[the] respondents’ admissions programs fail to articulate a meaningful connection between the means they employ and the goals they pursue,” since “[W]hat cannot be done directly cannot be done indirectly.”⁴¹ In order to reinforce the former, Students for Fair Admissions stated that they determined that Harvard could achieve their goals in a perfectly legal way by prioritizing students who faced socioeconomic disadvantage.

This simulation, Simulation D, determined that the university could reach its implied goals and give opportunities to low-income students by lowering the number of economically advantaged students from 82% of Harvard’s student body to 51% and increasing the number of Hispanics and Asians, all while only decreasing the percentage of African Americans by 4%.⁴² The simulation was reportedly turned down by Harvard because it wouldn’t achieve the goals of diversity that their usage of affirmative action aimed to achieve.

SFFA attempted to demonstrate that Harvard chose to avoid a socioeconomic model because lowering the number of economically advantaged students would increase the likelihood of students receiving financial aid scholarships from the school, therefore also decreasing the school’s profits, an argument that questioned Harvard’s devotion to preventing discrimination in the process of allowing students to enjoy the benefits of diversity on campus. If Harvard wished to increase racial diversity on campus,⁴³ without having a goal such as modifying the socioeconomic demographics of the incoming class,⁴⁴ and instead

³⁸ *SFFA*, 600 U.S. 181, slip op. at 32.

³⁹ *SFFA*, 397 F. Supp. 3d 126, 140.

⁴⁰ *Id.* at 141.

⁴¹ *SFFA*, 600 U.S. 181, slip op. at 39.

⁴² *Id.* at 33.

⁴³ College Data Analytics Team, “Harvard Demographics & Diversity Report,” College Factual, 2025, <https://www.collegefactual.com/colleges/harvard-university/student-life/diversity/>.

⁴⁴ Tommy Barone, “Need-Blind: Why Harvard Hardly Accepts Low-Income Students,” *Harvard Crimson*, May 8, 2023, <https://www.thecrimson.com/article/2023/5/8/barone-class-harvard-diversity/>.
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only prioritizing full control over the number of students of each race, that would incidentally fall into the category of racial balancing, and that is precisely what the petitioners accused the university of doing.

Harvard denied any racial balancing, as the Court determined in *Fisher v. University of Texas*, 570 U.S. 297 (2016), that “[O]utright racial balancing” is “patently unconstitutional.”⁴⁵ This allegation reflected the petitioner’s point that the respondents didn’t make the required connection between their goals and the means by which they employed affirmative action.

Thus, it was brought to the attention of the Court that Harvard’s goals also contradicted their practices aside from affirmative action. Legally, Harvard’s stated goal was to allow the student body to reap the benefits of diversity, which would be maximized by employing affirmative action. Unfortunately for Harvard, it lacked diversity in most other fields besides race, and it didn’t seem like it had made plans to achieve diversity in any other sector. For example, only 9% of the Harvard student body self-identified as conservative, and 82% of Harvard students came from high-income families.⁴⁶ This gap between racial, political, and socioeconomic diversity insinuated a missing link between the employment of affirmative action and the goal of allowing the student body to reap the benefits of diversity. Implementing a socioeconomic model of affirmative action, however, would severely threaten Harvard’s monetary capabilities. As for diversity of thought, Harvard tried to make the case that race-based affirmative action would allow for a consequential exposure to different people’s experiences.

But the underlying question behind the case was whether or not Harvard’s employment of affirmative action and stated targets satisfied the strict criteria for legality established by the Powell opinion and Title VI.⁴⁷ Again, Powell’s opinion permits the use of race in admissions as *long as* it is implemented with a beneficial goal in mind and students aren’t turned away only because of race.⁴⁸ Yet the Court concluded that the constitutional rights of applicants as provided by the Fourteenth Amendment were violated by Harvard’s particular admissions process.

⁴⁵ *Fisher v. University of Texas*, 570 U.S. 297, slip op. at 311 (2016), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep570/usrep570297/usrep570297.pdf>.

⁴⁶ *Students for Fair Admissions v. President & Fellows of Harvard College*, No. 20-1199, accessed April 14, 2026, <https://www.oyez.org/cases/2022/20-1199>.

⁴⁷ Hoang Pham, Imani Nokuri, Fatima Dahir, and Mira Joseph, “Students for Fair Admissions v. Harvard FAQ: Navigating the Evolving Implications of the Court’s Ruling,” *Stanford Law School Journal*, December 12, 2023, https://law.stanford.edu/wp-content/uploads/2024/02/SFFA-v-Harvard-FAQ_SCRJ.pdf, 3.

⁴⁸ Adam Harris, “The Supreme Court Justice Who Forever Changed Affirmative Action,” *The Atlantic*, October 13, 2018, <https://www.theatlantic.com/education/archive/2018/10/how-lewis-powell-changed-affirmative-action/572938/>, par. 2-3.

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DEBATES AND GAPS IN CURRENT AFFIRMATIVE ACTION JURISPRUDENCE

Much of the debate regarding affirmative action in higher education is about whether or not universities applied racial preferences in a discriminatory manner. This discussion extends to other existential questions that have rocked the base of modern jurisprudence, specifically regarding what qualifies as discriminatory practice and what doesn't.⁴⁹ It has far-reaching implications, affecting debates around employment practices as well. UC Berkeley Human Resources, for instance, clearly makes the difficult distinction between affirmative action and discrimination when it comes to employment practices, as such a distinction has become increasingly challenging to legally portray because of the Supreme Court's "fine line" attitude towards racial consciousness in America.⁵⁰ SFFA has also gone on to sue military academies for alleged discriminatory practices, lawsuits that the Department of Justice has settled by agreeing to eliminate all diversity programs in the Department of Defense.⁵¹ The discrimination discussion has become the center of all broader legal debates centered around diversity and race in America.

A common segment of this debate relates to the idea that the Constitution must be colorblind. In recent years, through cases such as *SFFA v. Harvard*, American jurisprudence has begun to adopt an unfavorable attitude towards racial consideration in the Constitution's application.⁵² However, pro-diversity and affirmative action circles have pushed for the opposite, arguing that interpreting the Constitution without differentiating race stands in the way of equity and erases the past decades of civil rights progress.⁵³ While discussion may be limited to the scope of *SFFA v. Harvard*, much more research needs to be done regarding the question of how this particular ruling impacts the future of race in America. The greater, philosophical question that hasn't been adequately explored is when the United States will reach a point where certain legal protections shouldn't compensate for societal inequality.

The argument of constitutional racial awareness also taps into the Equal Protection Doctrine, as there is plenty of scholarly debate around how the intentionally vague Fourteenth Amendment should be applied. Aside from arguments over how the Equal Protection Clause should take race into account, it's also

⁴⁹ Chau, "Affirmative Action's Strict Scrutiny Revisited," 29.

⁵⁰ UC Berkeley, "Equal Employment Opportunity/Affirmative Action: Concepts & Definitions," last modified 2026, <https://hr.berkeley.edu/hr-network/central-guide-managing-hr/managing-hr/recruiting-staff/eo-affirmative/concepts>.

⁵¹ Office of the Attorney General, "Justice Department Settles Lawsuits Challenging Race-Based Admissions at West Point and Air Force Academy," news release, August 12, 2025, <https://www.justice.gov/opa/pr/justice-department-settles-lawsuits-challenging-race-based-admissions-west-point-and-air>.

⁵² David Hinojosa and Genevieve Bonadies Torres, "The Absurd Reach of a 'Colorblind' Constitution," *American University Law Review* 72 (2023): 1799, <https://aulawreview.org/blog/the-absurd-reach-of-a-colorblind-constitution/>.

⁵³ Hinojosa and Torres, "The Absurd Reach of a 'Colorblind' Constitution," 1810.

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unclear how it should be applied in general.⁵⁴ Key questions include how the Equal Protection Clause should extend into public affairs and how it should be applied for other demographics as well, including sex, national origin, and, most recently, sexual orientation.⁵⁵ Over the years, cornerstone Supreme Court rulings have further clarified and polished the fluid, evolving applications of the Equal Protection Doctrine; however, inconsistent interpretations reflect shifts in public opinion and jurisprudence, demonstrating how volatile societal changes impact juridical decisions over the course of decades.

SFFA FOREVER CHANGED AFFIRMATIVE ACTION

In the end, the Supreme Court ruled in favor of Students for Fair Admissions by a 6-2 margin. Justices Roberts, Alito, Thomas, Kavanaugh, Gorsuch, and Barrett sided with SFFA, while Justices Sotomayor and Kagan sided with Harvard and dissented. Associate Justice Jackson abstained from the case. Chief Justice John Roberts wrote the Court's opinion, while Associate Justices Thomas, Gorsuch, and Kavanaugh wrote concurring opinions.⁵⁶ In essence, the decision made by the Supreme Court clarified decades of confusion around the subject of affirmative action by making clear that Harvard's (and UNC's) usage of race in admissions was unconstitutional, as they failed to follow the precedent set in both *Grutter* and *Bakke*.⁵⁷

According to the majority opinion, the universities didn't clarify their goals well enough (such as highlighting when race-based admissions would eventually end) and did not fully steer away from racial discrimination or forming racial stereotypes, as prohibited by the Powell Opinion.⁵⁸ Because of a lack of strictly equal treatment of applicants, the programs, according to the Court, also violated the Equal Protection Clause of the Fourteenth Amendment. The Court did make concessions and affirmed that race can be considered as long as its consideration revolves around how race impacts the applicant in terms of life experiences, forcing Harvard to constantly prioritize quality of character over race and ethnicity.⁵⁹

⁵⁴ Brian T. Fitzpatrick and Theodore M. Shaw, "The Equal Protection Clause," National Constitution Center, last modified 2026, <https://constitutioncenter.org/the-constitution/amendments/amendment-xiv/clauses/702#the-equal-protection-clause>, par. 4-6.

⁵⁵ Manahil Zafar and Kashif Mehmood, "The Evolution and Current Applications of the Equal Protection Clause," *Interdisciplinary Social Sciences Review* 1, no. 1 (2024): 43-44, <https://intertechreview.com/index.php/31/article/view/4/4>.

⁵⁶ *SFFA*, 600 U.S. 181, slip op. at 8.

⁵⁷ NAACP Legal Defense Fund, "The Supreme Court's Affirmative Action Decision, Explained," last modified June 29, 2023, <https://www.naacpldf.org/case-issue/sffa-v-harvard-faq/#:~:text=This%20devastating%20decision%20overrules%2045,University%20of%20Texas>, par. 1.

⁵⁸ *Bakke*, 438 U.S. 265, slip op. at 298.

⁵⁹ *SFFA*, 600 U.S. 181, slip op. at 8.

Students for Fair Admissions v. Harvard, however, did not overrule *Grutter* or *Bakke* but instead emphasized the importance of using race only as long as it focuses on an applicant's individual story.⁶⁰ Instead of *explicitly* rewriting precedent, the Supreme Court further made clear that it was time for colleges to question their motivation for including or excluding applicants based on race, a factor that nobody can control on their own while maintaining the legality of race awareness as defined by the boundaries outlined by *Grutter* (alongside additional precedent) and further clarified by Justice Roberts in the opinion of the Court.

CONCLUSION

The context and effects of the Supreme Court's ruling on *SFFA v. Harvard* have entirely altered not only affirmative action in the United States but also the application of the Equal Protection Doctrine, the idea of a colorblind constitution, and the judiciary's role in societal debates over the role of race. It may not have *particularly* rewritten precedent. However, it drastically changed the way the Court has historically looked at this matter.⁶¹ Current research centers around exploring the ruling's many effects and siding with or against the Supreme Court's decision that brought a grinding halt to systemic affirmative action admissions programs.⁶² Yet *SFFA* isn't the end of a story. Rather, it's just another part of the Supreme Court's ever-changing position on race and affirmative action, changing the narrative from past decisions and establishing distinct interpretations of relevant rulings and legislation. Instead of delivering an ambiguous, generic ruling, the Supreme Court took a hardline stance that reframed decades of precedent and simultaneously flattened university admissions diversity initiatives throughout the country.⁶³ Legal research fails to outline how, through previous rulings, the Court found a way to formulate its decision in *SFFA v. Harvard*, a decision whose impact shrouds its existence as a culmination of past affirmative action cases and a reflection of the Court's current positions on race in American society.

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⁶⁰ Bill Watson, "Did the Court in *SFFA* Overrule *Grutter*?" *Notre Dame Law Review* 99, no. 2 (2023): 132, https://ndlawreview.org/wp-content/uploads/2024/01/NDLRR99.0113_Watson-1.pdf.

⁶¹ Arcidiacono et al., "Affirmative Action," par. 38.

⁶² Pham et al., "Students for Fair Admissions v. Harvard FAQ," 2.

⁶³ NAACP Legal Defense Fund, "The Supreme Court's Affirmative Action Decision, Explained," par. 1.

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