

# Project on Fair Representation

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## Press Release

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### Supreme Court Strikes Down Univ. of Texas Affirmative Action Policy

#### Statement of Abigail Fisher

(Washington, DC) Today, the U.S. Supreme Court vacated a ruling from the Fifth Circuit Court of Appeals that upheld the Univ. of Texas's race-based affirmative action admissions policies in a 7-1 decision. The case is *Abigail Fisher v. Univ. of Texas*. The Court remanded the case back to the appellate court for further consideration noting that strict scrutiny must be applied without deference to the Univ. of Texas.

After being rejected in 2008, Abigail Fisher sued the Univ. of Texas arguing that its reintroduction of race in admissions in 2005 was unconstitutional because, among other reasons, the university had achieved racial and ethnic diversity through the race-neutral Top 10 Percent Plan. Her case was heard by the Court on Oct 10, 2012.

Abigail Fisher said, "I am grateful to the justices for moving the nation closer to the day when a student's race isn't used at all in college admissions."

Fisher concluded, "It has been a great privilege to witness how our legal system works to seek justice for an individual like me. The most important lesson I have learned during the last 5 years is to stick by your ideals even if it means some personal sacrifice."

The Project on Fair Representation (POFR), an Alexandria, Virginia-based not-for-profit legal defense foundation provided counsel to Ms. Fisher.

Edward Blum, the director of POFR, said, "This decision begins the restoration of the original colorblind principles to our nation's civil rights laws."

Blum added, “The Supreme Court has established exceptionally high hurdles for the Univ. of Texas and other universities and colleges to overcome if they intend to continue using race preferences in their admissions policies. It is unlikely that most institutions will be able to overcome these hurdles. This opinion will compel the Fifth Circuit to strike down UT’s current use of race and ethnicity.”

Blum concluded, “Abigail Fisher and thousands of past applicants have been unfairly denied admission to the University of Texas because of its unconstitutional use of affirmative action. It is deeply gratifying that the justices on both sides of the ideological divide recognized this and her case will be reconsidered by the lower court with a new and clear directive from the Supreme Court.

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