Nos. 20-1199 & 21-707

IN THE

Supreme Court of the United States

STUDENTS FOR FAIR ADMISSIONS, INC.,
Petitioner,
v.
PRESIDENT AND FELLOWS OF HARVARD COLLEGE,
Respondent.

STUDENTS FOR FAIR ADMISSIONS, INC.,
Petitioner,
v.
UNIVERSITY OF NORTH CAROLINA, *et al.,*
Respondents.

On Writs of Certiorari to the United States Courts of Appeals for the First and Fourth Circuits

BRIEF OF *AMICI CURIAE* NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION AND NATIONAL LGBTQ+ BAR ASSOCIATION IN SUPPORT OF RESPONDENTS

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INTERESTS OF *AMICI CURIAE*[1]

The National Asian Pacific American Bar Association ("NAPABA") is a national association of Asian Pacific American attorneys, judges, law professors, and law students. NAPABA represents the interests of nearly ninety national, state, and local bar associations and 60,000 attorneys, judges, and law students, who work in solo practices, small and large firms, corporations, nonprofit and legal services organizations, law schools, and government agencies. Since its inception in 1988, NAPABA has served as a national voice for promoting justice, equity, and opportunity for Asian Pacific Americans in the legal profession.

NAPABA has filed *amicus* briefs supporting race-conscious admissions in multiple cases before this Court. *See, e.g.*, Brief of *Amicus Curiae* Coalition of Bar Associations, *Fisher v. University of Texas*, No. 14-981 (filed Oct. 30, 2015); Brief of *Amicus Curiae* Coalition of Bar Associations, *Fisher v. University of Texas*, No. 11-345 (filed Aug. 13, 2012); Brief of *Amicus Curiae* Asian American Justice Center et al., *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, Nos. 05-908 & 05-915 (filed Oct. 9, 2006); Brief of Amicus Curiae National Asian Pacific Legal Consortium, et al., *Grutter v. Bollinger*, Nos. 02-241 & 02-516 (filed Feb. 14, 2003).

The National LGBTQ+ Bar Association is a nonprofit, membership-based 501(c)(6) professional association.

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[1] The parties have provided blanket consent for filing of *amicus* briefs. No counsel for a party authored this brief in whole or in part; no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief; and no person other than *amici*, their members, or their counsel made a contribution to its preparation or submission.

The National LGBTQ+ Bar Association's more than 10,000 members and subscribers include lawyers, judges, legal academics, law students, and affiliated legal organizations supportive of lesbian, gay, bisexual, transgender, and queer ("LGBTQ+") rights. The National LGBTQ+ Bar Association and its members work to promote equality for all people regardless of sexual orientation or gender identity or expression, and fight discrimination against LGBTQ+ people as legal advocates. The National LGBTQ+ Bar Association is a membership organization and files this brief on behalf of its members, who value diversity in education on the bases of race and ethnicity as well as sexual orientation and gender/gender identity or expression.

Amici share a strong interest in this case because they have collectively seen how diversity among college students leads to diversity among law students, lawyers, judges, and others in the legal profession. Moreover, diversity improves the entire legal profession—by reducing both conscious and unconscious bias, increasing sensitivity to the particular legal problems confronted by historically disadvantaged and diverse groups, broadening the availability and effectiveness of legal representation, and increasing public confidence in the legal system. *Amici* therefore support programs and policies that promote diversity and inclusion, including the use of race-conscious admissions policies designed to increase diversity in the workplace, schools, and other institutions. In addition, *amici* oppose the use of any one racial or ethnic group—such as Asian Pacific Americans—as a wedge group in debates about race-conscious admissions policies or to undermine the larger shared project of increasing diversity in the legal profession.

INTRODUCTION AND SUMMARY

Historically disadvantaged and diverse communities, including those represented by *amici*, have varied experiences informed by a multiplicity of factors. Nevertheless, these groups share the common experience of being subject to historic and ongoing discrimination. And while some progress in achieving equality, equity, and inclusion has been made, significant deficiencies remain, and levels of progress vary widely. As a result, there is widespread support among historically disadvantaged and diverse communities for race-conscious admissions policies. This support reflects the benefits such policies have brought—and continue to bring—to these communities as well as an appreciation of the benefits that a diverse educational environment brings to all students.

Diversity in college admissions brings particular benefits to the legal profession because it increases the diversity of the pool of potential law students and ultimately the legal profession as whole. Diversity in the legal profession, in turn, benefits society in a myriad of ways. Diversity in the judiciary reduces bias, both conscious and unconscious, and improves judicial decision making by allowing judges to contribute their unique and often underrepresented perspectives on the law. Diversity among lawyers and judges also enhances public confidence in the legal system because people are more likely to trust a system that understands and respects their different perspectives. And diversity improves the scope and quality of legal representation for historically disadvantaged and diverse communities by allowing their members to seek representation from lawyers better able to understand their concerns. Finally, as lawyers frequently become government officials and policymakers,

increased diversity in the legal profession translates to a government that is more inclusive and effective.

It is not necessary to overrule this Court's decision in *Grutter v. Bollinger*, 539 U.S. 306 (2003), and bar race-conscious programs promoting diversity in order to protect Asian Pacific Americans from stereotyping, animus, and other forms of invidious discrimination in collegiate admissions. Moreover, doing so would cause grave harm to the legal profession and to society as a whole.

Overruling *Grutter* would send an unmistakable message to diverse and historically disadvantaged communities that the Court no longer believes that their presence in colleges and universities adds value to the educational environment and to society. Overruling *Grutter* also would undermine the gradual progress that has been made in diversifying the legal profession. Although nearly fifty years has elapsed since race-conscious admissions programs were endorsed by Justice Powell in *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978), there are still significant disparities between the numbers of individuals from historically disadvantaged and diverse communities who become lawyers or judges and their numbers in the general population. If race-conscious admissions policies in universities were prohibited, the number of students of color would drop precipitously, and the diversity pipeline programs conducted by *amici*, other bar associations, legal educational organizations, and others would be unable to prevent a corresponding reduction in law students from diverse and historically disadvantaged communities. Ultimately, there would be fewer lawyers and judges from such communities, and the many benefits of diversity in the legal

profession would be significantly reduced or lost altogether.

ARGUMENT

I. ASIAN PACIFIC AMERICANS AND OTHER GROUPS REPRESENTED BY *AMICI* RECOGNIZE THE BENEFITS OF DIVERSITY IN COLLEGIATE EDUCATION

Petitioner asserts that "[n]o one believes in *Grutter*" and that diversity is just a pretext. Pet. Br. 59-60. *Amici*'s longstanding support for race-conscious admissions programs tells a different story, as does any serious examination of the views held by diverse and historically disadvantaged communities.

Support for affirmative action has been consistently high within diverse and historically disadvantaged communities as well as the U.S. population as a whole. A 2021 Gallup poll found that support for affirmative action is at a "two-decade high," with 62% of Americans supporting affirmative action programs for diverse and historically disadvantaged communities. *See* Lydia Saad, *Americans' Confidence in Racial Fairness Waning*, Gallup (July 30, 2021), https://tinyurl.com/2k9xzdts. The poll found even higher rates of support among such communities, with 79% of Hispanic adults and 69% of Black adults indicating support for affirmative action. *Id.*

Petitioner attempts to characterize Asian Pacific Americans as victims of race conscious admissions programs, but Asian Pacific Americans in fact strongly support race-conscious admissions programs and the benefits of diversity in the educational environment. It is, of course, important to recognize that the Asian Pacific American community is broad and diverse, with individuals representing over fifty ethnic groups

from across Central, East, and South Asia, the Pacific Islands, and Native Hawaiian communities.[2] Despite this diversity, polling and voting data consistently shows broad and majority Asian Pacific American support for race-conscious admissions policies.

For example, the 2020 Asian American Voter Survey ("AAVS")—a national survey of over 1,500 Asian Pacific American voters—found that 70% of Asian Pacific Americans support affirmative action. *See* Jennifer Lee, Janelle Wong & Karthick Ramakrishnan, *Asian Americans Support for Affirmative Action Increased Since 2016*, AAPI DATA: DATA BITS (Feb. 4, 2021), https://tinyurl.com/2p8p97fb. Previous AAVS surveys, which are conducted biannually, consistently have shown similarly high Asian Pacific American support for affirmative action. *See id.* Importantly, when disaggregating the views of Asian Pacific Americans by subgroup, one continues to find support for affirmative action. For example, 86% of Indian Americans support affirmative action; 77% of Vietnamese Americans; 69% of Filipino Americans; 68% of Korean Americans; and 65% of Japanese Americans. *See 2020 Asian American Voter Survey* (Sept. 15, 2020), https://tinyurl.com/tun4dd3v. Even among Chinese Americans there is now a majority-level of support. *See* Jennifer Lee, et al., *Asian Americans Support for*

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[2] The breadth of the diversity within the Asian Pacific American community is reflected, among other things, in its vast linguistic diversity: "More than one hundred Asian, Native Hawaiian, and Pacific Islander languages and dialects are spoken in the United States." Nat'l Asian Pacific Am. Bar Ass'n, *Interpreting Justice: Progress & Challenges on Language Access* 9 (2017), https://tinyurl.com/59aemn3n. Each of these subgroups has different experiences based on their ethnicity, immigration history, English fluency, economic status, and educational level.

Affirmative Action Increased Since 2016 (56% support in 2020, up from 41% in 2016).

These results are consistent with other surveys showing that the majority of Asian Pacific Americans support affirmative action. *See, e.g.*, National Asian American Survey, *Where Do Asian Americans Stand on Affirmative Action* (June 24, 2013), https://tinyurl.com/bdcv7mr7 (survey of over 4,200 individuals showing that 75% of Asian Americans and 67% of Pacific Islanders support affirmative action); Pei-te Lien, *Pilot National Asian American Political Survey (PNAAP), 2000-2001*, Inter-University Consortium for Political & Social Research (2004) (63.1% individuals surveyed answered that affirmative action "is a good thing").

Instructively, *amicus* NAPABA, as a national Asian Pacific American membership organization, has consistently opposed limitations on the use of holistic factors to evaluate candidates in both education and employment. In 2015, NAPABA's Board of Governors expressly opposed "efforts such as California's Proposition 209 and other similar laws that seek to limit the consideration of diversity factors, such as race, ethnicity, or sex, in the areas of public education, employment, and contracting." Nat'l Asian Pacific Am. Bar Ass'n, *Statement in Support of Affirmative Action* (Jan. 2015), https://tinyurl.com/3fh6b2k2. Similarly, in 2020, when the Department of Justice sued Yale University asserting improper use of race as a determinative factor in the admissions process, NAPABA maintained its "support of race-conscious standards as part of a holistic process." Nat'l Asian Pacific Am. Bar Ass'n, *Statement on the Yale Affirmative Action Case* (Aug. 18, 2020), https://tinyurl.com/bdd9yzuc.

The support for race-conscious admissions policies across Asian Pacific American communities reflects an

appreciation for the benefits that such policies have brought to those communities. Like other historically disadvantaged communities, Asian Pacific American communities in the United States have experienced a long history of discrimination in education, employment, and other areas. Indeed, in Mississippi during the Jim Crow era, Chinese Americans were excluded from attending all-white schools. *See* Joyce Kuo, *Excluded, Segregated and Forgotten: A Historical View of the Discrimination of Chinese Americans*, 5 Asian L.J. 181, 202 (1998). Asian Pacific American communities therefore greatly benefitted from affirmative action programs in the 1960s and 1970s that opened up educational admissions to them. *See* Nancy Leong, *The Misuse of Asian Americans in the Affirmative Action Debate*, 64 UCLA L. Rev. Disc. 90, 93-94 (2016). And programs designed to increase diversity continue to create opportunities for Asian Pacific American applicants, particularly in smaller communities or those with different immigration histories—such as those who come from refugee families. *See id*. at 94.

Research shows that "diversity improves the educational experience at colleges and universities both within and outside the classroom for everyone, including Asian Americans." *Id.* at 92.; *see also* Meera E. Deo, *Empirically Derived Compelling State Interests in Affirmative Action Jurisprudence*, 65 Hastings L.J. 661, 687-88 (2014) (discussing a University of Michigan Law School study finding that diversity "improved learning for all students through an opportunity to hear and learn from people with viewpoints that may differ from their own").

II. DIVERSITY IN COLLEGIATE ADMISSIONS IS CRITICAL TO ESTABLISHING AND MAINTAINING DIVERSITY IN THE LEGAL PROFESSION

Diversity in collegiate admissions contributes to diversity in law schools and, ultimately, the legal profession by creating a diverse pipeline of future law students. As more diverse students attend colleges and universities, more diverse college graduates continue on to law school and then to important roles in society. A multitude of studies confirm the importance of diversity in the legal profession.[3] Four benefits stand out.

First, greater diversity in the legal profession results in greater diversity on the bench, which improves judicial decision making. The presence of more diverse judges reduces the danger of bias, both conscious and unconscious, that often accompanies

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[3] *See, e.g.*, Davis G. Yee, *Promoting Diversity as Professionalism*, 73 S.C. L. Rev. 885 (2022); *see also* Michelle J. Anderson, *Legal Education Reform, Diversity and Access to Justice*, 61 Rutgers L. Rev. 1011 (2009); Christine Chambers Goodman, *Modest Proposal in Deference to Diversity*, 23 Nat'l Black L.J. 1 (2010); Anjali Chavan, *The "Charles Morgan Letter" and Beyond: The Impact of Diversity Initiatives on Big Law*, 23 Geo. J. Legal Ethics 521 (2010); David A. Harvey, *A Preference for Equality: Seeking the Benefits of Diversity Outside the Educational Context,* 21 BYU J. Pub. L. 55 (2007); Kevin R. Johnson, *The Importance of Student and Faculty Diversity in Law Schools: One Dean's Perspective*, 96 Iowa L. Rev. 1549 (2011); Nancy Scherer, *Diversifying the Federal Bench: Is Universal Legitimacy for the U.S. Justice System Possible?*, 105 Nw. U. L. Rev. 587 (2011); Carl Tobias, *Justifying Diversity in the Federal Judiciary*, 106 Nw. U. L. Rev. Colloquy 283 (2012); Denelle J. Waynick, *Diversity – Still a Business Imperative*, 272 N.J. Law. 66 (Oct. 2011).

lack of acquaintance with diverse and historically disadvantaged communities. In addition, a more diverse group of judges is more likely to account for traditionally excluded perspectives in their decision making, which leads to better, more just results. As Justice Ruth Bader Ginsburg once explained: "A system of justice will be the richer for diversity of background and experience. It will be poorer in terms of appreciating what is at stake and the impact of its judgments if all of its members are cast from the same mold." Sherrilyn A. Ifill, *Racial Diversity on the Bench: Beyond Role Models and Public Confidence*, 57 Wash. & Lee L. Rev. 405, 410 n.9 (2000) (citing Remarks by Justice Ruth Bader Ginsburg at Swearing-In Ceremony (Aug. 10, 1993), in U.S. Newswire, Aug. 10, 1993).

Second, diversity in the legal profession enhances public confidence in the legal system because people are more likely to trust a system that accounts for different perspectives, particularly in the judiciary where visibility is heightened. As the American Bar Association Presidential Initiative Commission on Diversity has noted, "[w]ithout a diverse bench and bar, the rule of law is weakened as the people see and come to distrust their exclusion from the mechanisms of justice." Am. Bar Ass'n, Presidential Diversity Initiative, *Diversity in the Legal Profession: The Next Steps* 9 (2010), https://tinyurl.com/2tabdzxf.

Judges likewise recognize that greater diversity enhances public confidence in the judiciary. For example, former Judge Edward M. Chen of the U.S. District Court for the Northern District of California explained the connection between diversity and public confidence in the judiciary:

> It is the business of the courts, after all, to dispense justice fairly and administer the

> laws equally. It is the branch of government ultimately charged with safeguarding constitutional rights, particularly protecting the rights of vulnerable and disadvantaged minorities against encroachment by the majority. How can the public have confidence and trust in such an institution if it is segregated—if the communities it is supposed to protect are excluded from its ranks?

Edward M. Chen, *The Judiciary, Diversity, and Justice for All*, 91 Calif. L. Rev. 1109, 1117 (2003). Simply put, "[p]eople are more likely to trust a legal system that embraces numerous perspectives and life experiences." Cynthia Mares, *Is Anybody Listening? Does Anybody Care? Lack of Diversity in the Legal Profession*, 62-JUN Fed. Law. 36, 39 (June 2015) (quoting Judge Marina Garcia Marmolejo of the U.S. District Court for the Southern District of Texas).

Third, diversity in the legal profession enhances the scope and quality of legal representation for underserved and underrepresented communities. Lawyers from, and with exposure to, diverse and historically disadvantaged communities throughout their education and career often have greater cultural competency and cultural humility, which improves their ability to establish an attorney-client relationship founded on trust. Such attorneys are also better able to communicate and work with impacted communities to support relationship building, such as in the community-based policing, criminal justice, and anti-hate contexts.

In addition, access to diverse lawyers may determine whether a person seeks legal assistance at all. As Dean Erwin Griswold observed nearly fifty years ago, "[e]ffective access to legal representation not only

must exist in fact, it must also be perceived by the minority law consumer as existent so that recourse to law for the redress of grievance and the settlement of disputes becomes a realistic alternative to him." Erwin N. Griswold, *Some Observations on the DeFunis Case*, 75 Colum. L. Rev. 512, 517 (1975).

Fourth, diversity in the legal profession creates diversity among government officials because lawyers frequently become political office holders and policymakers. Indeed, currently, 114 members of the House and 50 members of the Senate have law degrees. Jennifer Manning, *Membership of the 117th Congress: A Profile*, Cong. Research Serv. (July 13, 2022), https://tinyurl.com/59texrdc. Diversity among office holders and policymakers in turn helps to ensure that diverse and historically disadvantaged communities are represented in government and their concerns are understood. As the American Bar Association has noted, "[a]dvancing diversity and inclusion in the . . . government is especially important" because "[t]he absence of diversity and inclusion in . . . government can malign the legitimacy of not only lawyers, but also of the law itself." Am. Bar Ass'n, Presidential Diversity Initiative, *Diversity in the Legal Profession: The Next Steps* 25 (2010), https://tinyurl.com/2tabdzxf; *see also Grutter*, 539 U.S. at 332 ("Effective participation by members of all racial and ethnic groups in the civic life of our nation is essential if the dream of one Nation, indivisible, is to be realized.").

III. OVERRULING *GRUTTER* WOULD HARM DIVERSE AND HISTORICALLY DISADVANTAGED COMMUNITIES, THE LEGAL PROFESSION, AND SOCIETY AS A WHOLE

To the extent petitioner seeks to ensure that some Asian Pacific Americans have a fair opportunity for admission to certain selective universities, it is not necessary to overrule *Grutter* or to "abandon" "the whole enterprise" of promoting diversity. Pet. Br. 49. The particulars of any admissions program can be examined to prohibit discrimination based on stereotyping or animus. *Amici*, however, oppose overturning *Grutter*—or any result that could be construed as repudiating the importance of diversity in the educational environment and in society as a whole—because such a result would cause grave harm to diverse and historically disadvantaged communities, the legal profession, and to society in general.

Denying that diversity is a compelling interest in education would be an alarming retreat from the Court's longstanding recognition that members of diverse and historically disadvantaged communities significantly contribute to the educational environment and, by extension, to society. Even for particular students who might thereby gain admission to certain universities, it would by a pyrrhic victory to do so through a ruling that denies a societal interest in diversity and ushers those students onto less diverse campuses.

Overruling *Grutter* also would gravely harm the legal profession because it would undermine the pipeline of college graduates from diverse and historically disadvantaged communities into law schools and the legal profession. Absent race-conscious admissions policies the number of law students, and hence law

school graduates, from diverse and historically disadvantaged communities would drop precipitously. According to one empirical study, without such policies, nearly 60% of all black law students would not have attended law school. *See* Jesse Rothstein & Albert Yoon, *Affirmative Action in Law School Admissions: What Do Racial Preferences Do?*, 75 U. Chi. L. Rev. 649, 677 (2008). The decline at elite law schools would be 50% higher still. *See id.* at 652 (finding that there would be a nearly 90% decline in black students at top-tier law schools if admissions were race blind).

While the legal profession has become more diverse in the four decades since *Bakke*, these gains are far from complete. For example, Asian Pacific American lawyers and lawyers from other historically disadvantaged communities are only just beginning to occupy leadership positions in the profession. In addition, one state judicial appointment commissioner noted that "[o]nly over the last 15 years are we seeing an increase in the amount of Hispanic and Black candidates going to law school." Ciara Torres-Spelliscy, Monique Chase & Emma Greenman, *Improving Judicial Diversity*, Brennan Center for Justice 31 (2d ed. 2010), https://tinyurl.com/3jmkdf3t (statement by Stephen Carlotti, RI).

As a consequence, diverse and historically disadvantaged communities remain significantly underrepresented on the bench. Only about 25% of Article III judges, 15% of magistrate judges, and 7% of bankruptcy judges are people of color, even though people of color comprise almost 40% of the population. Kate Berry, *Building a Diverse Bench: Selecting Federal Magistrate and Bankruptcy Judges*, Brennan Center for Justice 3 (Aug. 7, 2017), https://tinyurl.com/mryurjdd. Similarly, only 15% of state supreme court

seats are held by people of color, and 24 states have all-white supreme courts, including eight with general populations that are at least 25% people of color. Brennan Center for Justice, *State Supreme Court Diversity* 2 (Jul 23, 2019), https://tinyurl.com/444wanxm.

Asian Pacific Americans are also underrepresented: although they account for roughly 6% of the overall population, Asian Pacific Americans comprise only 3.8% of active federal judges. *See* Am. Bar Ass'n, *ABA Profile of the Legal Profession* 5, 7 (2022), https://tinyurl.com/2p9b87y7 (noting that only 45 federal judges identify as Asian and 6 as multiracial with Asian heritages); U.S. Census Bureau, QuickFacts, https://tinyurl.com/2t56mtkt (last visited July 19, 2022).

Nor is underrepresentation limited to the judiciary. Approximately 81% of all lawyers are white, even though non-Hispanic whites make up only about 60% of the U.S. population. Am. Bar. Ass'n, *ABA National Lawyer Population Survey: 10-Year Trend in Lawyer Demographics* (2022), https://tinyurl.com/4yc38b4a. The situation is even worse with prosecutors: upwards of 95% of elected prosecutors in America are white. Eric Chung et al., *A Portrait of Asian Americans in the Law*, Yale Law School & Nat'l Asian Pacific Am. Bar Ass'n 23 (2017), https://tinyurl.com/3ych43aw. Law firms likewise remain predominantly white, with white attorneys comprising 70% and higher of attorneys at the associate level, and 84% and higher at the partner level. Am. Bar Ass'n, *2020 ABA Model Diversity Survey*, (2021), https://tinyurl.com/2p9a9wfy; *see also* Eric Chung et al., *A Portrait of Asian Americans in the Law* at 17-19; *Nat'l Ass'n of Women Lawyers (NAWL) Survey on the Promotion and Retention of Women in*

Law Firms 18 (2021), https://tinyurl.com/ychf5cfz ("At each stage of promotion in a law firm, women, people of color, LGBTQIA+ people, and people with disabilities are less and less represented.").

Barring consideration of diversity in collegiate admissions would undermine the limited gains made since *Bakke*. Where race-conscious admission programs have been banned, the number of students from historically disadvantaged communities admitted have dropped swiftly. For example, after Michigan amended its state constitution in 2006 to bar any consideration of race in educational decisions, the number of black, Hispanic, or Native American students admitted dropped by 8% within one admissions cycle.[4] And when California adopted a similar amendment in 1996, the impact was even more drastic: between 1995 and 1998, the number of in-state African-American, Hispanic-American, and Native-American students admitted to the University of California, Berkley dropped 58%.[5] Students of *all* races and ethnicities suffer from more homogenous, less diverse, and consequently less robust learning environments, and are less prepared for the increasingly pluralistic society into which they will graduate. Pet. App. 108-10.

Moreover, as the pipeline of diverse students attending and graduating from college is restricted, diversity in the legal profession will be reduced as well. Increasing the number of individuals from

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[4] *See* Chris Herring, *Undergrad Minority Enrollment Dips in First Full Cycle After Proposal 2*, The Michigan Daily (Oct. 21, 2008), https://tinyurl.com/2wa2j6k2.

[5] Erica Perez, *Despite Diversity Efforts, UC Minority Enrollment Down Since Prop. 209*, KQED (Feb. 24, 2012), https://tinyurl.com/bdfn37hk.

historically disadvantaged groups who want to and can attend college is an endeavor several magnitudes greater, and requires a recommitment to—not a retreat from—"the whole enterprise" of increasing diversity. Because overruling *Grutter* will cause an irreparable loss to the legal profession and to society as a whole, *amici* strongly oppose such a harmful result and any retreat from recognition of the compelling social interest in promoting diversity.

CONCLUSION

The judgments below should be affirmed.

Respectfully submitted,

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