

June 6, 2024

Steve Marshall
Alabama Attorney General



For **press** inquiries only, contact:

Amanda Priest (334) 322-5694

William Califf (334) 604-3230

Page 1 of 2

Attorney General Marshall and 21-State Coalition Demand American Bar Association Stop Requiring Racial Discrimination in Law School Admissions and Hiring

The ABA standard directs law-school administrators to violate both the Constitution and Title VII

(Montgomery) – Alabama Attorney General Steve Marshall and 20 of his fellow state attorneys general sent a letter to the American Bar Association (ABA) demanding the group immediately stop requiring law schools, as part of the accreditation process, to treat students and faculty differently based on race. The ABA serves as the accrediting body for American law schools.

“Last year, the U.S. Supreme Court issued a landmark decision which made clear that ‘the core purpose of the Equal Protection Clause’ is ‘doing away with all governmentally imposed discrimination based on race,’” said Attorney General Marshall. “It’s ironic that an organization committed to a mission of ‘defending liberty and pursuing justice,’ seeks to justify the discrimination against prospective law students based on the color of their skin.”

The ABA's policy is set out in Standard 206 of its *Standards and Rules of Procedure for Approval of Law Schools 2023–2024*. The letter explains that Standard 206 cannot be squared with the United States Supreme Court’s recent decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College (SFFA)*. The ABA is considering revisions to that Standard in light of *SFFA*, but the proposed changes continue to include the unlawful requirement that law schools engage in race-based admissions and hiring. The coalition’s letter urges the ABA to comply with federal law and with the ABA’s stated role in providing an ethical foundation for the nation’s legal system.

Because the ABA’s rules govern law school accreditation nationwide, schools are pressed to choose whether to deprive applicants of opportunities based on race (and keep their accreditation) or to comply with the Constitution. Forcing schools to walk this tightrope harms them and the applicants who are entitled to these basic constitutional protections. The letter concludes that even if the intent behind Standard 206’s racial-preference regime is benign, it cannot lawfully be implemented in its current or revised forms. The Supreme Court has made clear that well-intentioned racial discrimination is just as illegal as malicious discrimination.



Joining Alabama on the Tennessee-led letter to the American Bar Association are attorneys general from the States of Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, Texas, Utah, and Virginia.

To read a copy of the letter, please click [here](#).