

Congress of the United States
Washington, DC 20515

October 19, 2023

Mark Menghini
General Counsel
University of Missouri System
321 University Hall
Columbia, MO 65211

Dear Mr. Menghini,

Missouri Democratic elected representatives recently called on the University of Missouri System to concerningly disregard the United States Supreme Court's recent ruling in *Students For Fair Admissions (SFFA) v. Harvard* and *SFFA v. University of North Carolina*. The Supreme Court ruled in June that policies requiring consideration of an applicant's race in the admissions process, otherwise known as affirmative action, is unconstitutional. However, the lawmakers argue the Supreme Court's decision was rushed, and that the University system should resume considering applicants' races when considering them for admission. The representatives also wrote that the Court's opinion "does not prohibit universities from considering an applicant's discussion of how race affects their lives," and asserted that the Court did not expressly prevent colleges from having race-based scholarships. Race-based admissions or advantages in the education system is not only unconstitutional, but it heavily demeans a university's stature as an institution of education.

In August, the Biden Administration's Department of Education offered guidance on how to skirt the Supreme Court decision that ruled affirmative action unconstitutional and encouraged universities to continue considering race in admissions. In a "Dear Colleague Letter" and "Frequently Asked Questions" document released August 14, officials suggested substituting words such as "underserved" and "disadvantaged" for "race." This was a blatant attempt by the Biden Administration to completely disregard the rule of law regarding university admissions criteria, and the Democratic representatives' letter is urging the University of Missouri System to do the same. To put it simply, that would violate the precedent set by the Supreme Court in June and would be unconstitutional.

To revert back to putting an applicant's race in the evaluated criteria for the admissions process would not just go against the Supreme Court's decision, but it would tell potential students that what they look like is just as important as how prepared they are to go to college. A student's admission to college should be based solely on their academic and extracurricular merit, not physical attributes. There is no logical reasoning for putting a student's race on the same pedestal as their academic acuity, and to do so will only degrade the credibility of the university.

We write to you today to express serious concern with the representatives' attempt to convince the University of Missouri System to ignore the Supreme Court ruling. As we understand, since the ruling was delivered in June, the University has rightly followed the law

regarding the consideration of race in its admissions process. We contend their letter should be entirely disregarded as it only serves as a distraction from the great education the University of Missouri System offers.

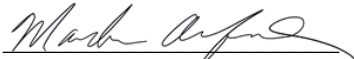
Sincerely,



Eric S. Schmitt
United States Senator



Eric Burlison
Member of Congress



Mark Alford
Member of Congress