

**Congress of the United States**  
Washington, DC 20515

October 5, 2023

Mun Y. Choi  
President of the University of Missouri System  
105 Jesse Hall  
Columbia, MO 65211

Dear Dr. Choi,

We write today with concern regarding the University of Missouri System’s decision to end race-based admissions and scholarship consideration policies. We believe that a rushed decision to exclude race-based criteria would endanger the futures of Black and Brown students in Missouri, who will bear the brunt of decades of discrimination and unequal access to higher education. As duly elected Members of Congress representing over 1.5 million Missourians, we implore you to **restore race-based scholarships, consider the experience of race in admissions, and emphasize recruitment to underserved communities.**

The history of racial segregation in Missouri is filled with bigotry and has resulted in dreams deferred or denied for generations of Missouri’s Black and Brown residents. The shameful exclusion of Black people from the higher education system was personified in the case, *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938)<sup>1</sup>. In 1936, a Black man, Lloyd Gaines, was denied admission to the University of Missouri Law School solely because Missouri’s constitution called for “separate education of the races.” The U.S. Supreme Court ruled states that provided a school to white students had to provide in-state education to Black students, but in a defiant act of malicious compliance, Missouri’s Supreme Court promptly decided to allocate \$200,000 to build a law school, rather than integrate.<sup>2</sup>

Mr. Gaines’ case inspired Lucile Bluford, an accomplished journalist who was accepted to the Missouri School of Journalism but had her enrollment denied because of her race. In 1939, with the help from the National Association for the Advancement of Colored People (NAACP), Lucile Bluford filed several lawsuits against the University of Missouri Columbia. Unfortunately, Bluford lost her cases, and after 11 attempts, never attended the university.<sup>3</sup>

In this latest attempt to revoke race-based admissions and scholarships in the wake of the recent SCOTUS ruling involving admissions procedures at two specific out-of-state universities, we are

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<sup>1</sup> Supreme Court, United States. *Missouri ex rel. Gaines v. Canada*. 12 December 1938. Oyez. 31 August 2023

<sup>2</sup> Chen, A. (2015, November 23). *Desegregating Mizzou - JSTOR Daily*. JStor Daily.

<sup>3</sup> Stodghill, R. (2018). *J-School Professor Remembers Lucile Bluford*. IDENTIFY Spring 2018.

reminded of the decades of discrimination communities of color face in Missouri. As Missouri's own Mark Twain once said: "History never repeats itself, but it does often rhyme."

Even now, Missouri is far from achieving educational equity. While the percentage of college-aged Missourians who are Black is 13%, only 5% of students enrolled at University of Missouri, Columbia<sup>4</sup> and 4% of students enrolled at the University of Missouri S&T<sup>5</sup> are Black. Among the major universities in the University of Missouri System, the graduation rates for Black and Hispanic students are up to 20% lower than for white students.<sup>6</sup> Structural barriers to college matriculation, including admissions criteria, have historically been obstacles preventing Black and Brown students from achieving academic success in higher education.

On June 29, 2023, the Supreme Court released its decision on *Students for Fair Admission Inc (SFFA) v. Harvard* and *v. University of North Carolina, Chapel Hill*. For over 60 years, race-based admissions supported low-income and underrepresented students pursuing higher education. With this ruling, an unelected coalition of six justices overturned 50 years of precedent established in *Regents of the University of California v. Burke* (1978) and reaffirmed in *Grutter v. Bollinger* (2003), threatening the educational and economic prospects of marginalized communities nationwide. This decision sets our nation's advancement for equity back more than five decades and signifies yet another decay in the Court's unprecedented erosion of civil rights.

The Court severely limited the ability of higher education institutions to consider an applicant's race alone. However, the opinion does *not* prohibit universities from considering an applicant's discussion of how race affects their lives. The University of Missouri System can and should consider the ways that a student's lived experience would benefit their contributions to campus and how it can impact their ability to access higher education in the first place. Again, the Court did not restrict the use of race-based scholarships or financial aid. When we lose talented applicants and graduates, we risk driving residents out of Missouri and into other areas that can provide more stable opportunities.

We are seeking a response to the following questions:

1. How is the University of Missouri System accounting for centuries of racial segregation and discrimination in higher education when crafting its admissions policies and scholarship programs?
2. Why did the System decide to eliminate race-based scholarships when the SCOTUS decision made no mention of scholarship considerations?
3. Will admissions and/or scholarship awards based on legacy status be eliminated?

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<sup>4</sup> National Center for Education Statistics. (2023, February). *University of Missouri-Columbia*. College Navigator.

<sup>5</sup> National Center for Education Statistics. (2023, February). *Missouri University of Science and Technology*. College Navigator.

<sup>6</sup> National Center for Education Statistics. (2023, February). *University of Missouri-Columbia 6-Year Graduation Rate By Ethnicity*. College Navigator.

4. What other lived experiences will the System consider instead of race when evaluating students' applications?
5. How will the System expand its recruitment efforts to underrepresented student populations?
  - a. How will this outreach differ from its past recruitment efforts which have yielded underrepresented enrolling classes?
6. How will the System invest in the success of its students of color so that their graduation rates can match those of their white counterparts?

Ultimately, we believe that admissions and scholarship considerations should be made with the interests of students in mind. While we hoped that Missouri colleges and universities would make the best choices for their future students, it is clear there is much progress to be made. We urge you to look to the U.S. Department of Justice Civil Rights Division and U.S. Department of Education Office for Civil Rights for guidance.<sup>7</sup>

Thank you for your prompt attention to this timely matter. We look forward to working closely with your office to provide an equal playing field for students of color who have traditionally and systematically been excluded from Missouri's systems of higher education.

Sincerely,



Cori Bush  
Member of Congress



Emanuel Cleaver, II  
Member of Congress

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<sup>7</sup> Department of Education. (2023 August). Questions and Answers Regarding the Supreme Court's Decision in *Students for Fair Admissions, Inc. v. Harvard College and the University of North Carolina*.