



July 23, 2015

The Honorable Lamar Alexander
455 Dirksen Senate Office Building
Washington, DC, 20510
Via Facsimile 202-228-3398

The Honorable Virginia Foxx
2350 Rayburn House Office Building
Washington, DC 20515
Via Facsimile 202-225-2995

Dear Senator Alexander and Representative Foxx:

I am writing to register my complete agreement with Commissioners Gail Heriot and Peter Kirsanow that federally-recognized accreditors should not be in the business of requiring colleges and universities to engage in race-preferential affirmative action in admissions. The Higher Education Act should be amended accordingly.

As you may know, I oppose race preferences in admissions under any circumstances and believe them to be unconstitutional. I was disappointed in the Supreme Court's decision in *Grutter v. Bollinger* (2003) concluding otherwise. But the Heriot-Kirsanow proposal is not an effort to re-litigate *Grutter*. Rather, it helps ensure that the academic freedom that *Grutter* recognizes as belonging to individual colleges and universities on this issue continues to belong to individual colleges and universities and is not usurped by accreditors wielding the club of federal funding. It is bad enough that racial discrimination is permitted by colleges and universities. It should not be made mandatory.

I have travelled the country for 20 years talking about race-preferential admissions policies. I have visited more campuses than I can count. At some of them, the faculty appears to be strongly in favor of preferential treatment. This legislation won't affect them. But at some campuses there is substantial dissent. That dissent has been neutralized by federal accreditors who require colleges and universities to march in lockstep. Rather than promoting the academic freedom that *Grutter* purports to protect, they are squelching it.

It is one thing to forbid college and universities from engaging in race discrimination (as I believe the Constitution and Title VI were intended to do). It is quite another to *require* them to discriminate (as too many federal accreditors are now doing). This should be stopped.

I have attached a copy of the original Heriot-Kirsanow proposal for your convenience.

Sincerely yours,



Ward Connerly

Cc:

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