

Crowell & Moring Files Amicus Brief Before Supreme Court on Behalf of HBCUs Leaders

Washington – August 3, 2022: On August 1, a Crowell & Moring team filed an amicus brief in the two affirmative action cases pending before the Supreme Court on behalf of leaders at Howard University and other Historically Black Colleges and Universities (HBCUs), as well as the National Association for Equal Opportunity in Higher Education, the national membership association of the nation’s 106 HBCUs. The HBCU leaders’ brief pointed to Harvard, the University of North Carolina, and other historically White universities’ long history of excluding Black students and its present-day effects, which include continued underrepresentation.

The brief argued that it is particularly important for such institutions to be permitted to consider race as one element of a holistic admissions review to achieve student body diversity and its concomitant educational benefits—just as HBCUs pursue racial and intra-racial diversity on their own campuses through similar holistic admissions processes. The brief also rebutted the petitioners’ suggestion that HBCUs’ ability to provide a high-quality education to Black students makes it unnecessary for other institutions to pursue diversity. HBCUs, which are significantly underfunded as compared to historically White institutions, neither can nor should be asked to redress the lack of diversity at other universities.

The Crowell team is led by partner [Laurel Pyke Malson](#), and includes partner [Amanda Shafer Berman](#) and associates [Jessica D. Gilbert](#), [Amy Pauli](#), [Kevin Cacabelos](#), and [Henry Leung](#).

A copy of the brief can be read [here](#).

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