



Office of the Attorney General
Washington, D. C. 20530

March 26, 2025

MEMORANDUM FOR ALL UNITED STATES LAW SCHOOL DEANS
AND ADMISSIONS OFFICERS

FROM: THE ATTORNEY GENERAL 

SUBJECT: ELIMINATION OF RACE-BASED PREFERENCES IN LAW
SCHOOL ADMISSIONS AND EMPLOYMENT DECISIONS

As law school administrators, you are all no doubt aware that Standard 206 of the American Bar Association's ("ABA") Standards and Rules of Procedure for Approval of Law Schools explicitly requires schools to "demonstrate by concrete action a commitment to diversity and inclusion" including a commitment to having a student body and faculty "that are diverse with respect to gender, race and ethnicity."¹ The prior administration allowed "pervasive and repugnant race-based preferences and other forms of racial discrimination" to spread "throughout every facet of academia" while "[p]roponents of these discriminatory practices" attempted to justify them "under the banner of 'diversity, equity, and inclusion' ('DEI')."² But President Trump has been clear: "[D]angerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called 'diversity, equity, and inclusion'" violate the civil rights laws of this country and will no longer be tolerated.³

On February 21, 2025, the ABA voted to suspend enforcement of its DEI mandate and will consider amending the mandate in May. On February 28, I informed the ABA that there is only one path forward—a complete repeal of Standard 206—because any requirement that law schools demonstrate "a commitment to diversity" will, at a minimum, encourage unlawful discrimination.⁴ In response, the ABA has assured the Department of Justice that it "will not require a law school to violate the law to comply with its accreditation standards" and acknowledges that its status as a federally recognized accrediting agency "is a privilege," not a right.⁵ But the message is a mixed one. The ABA also says that it "has not" required law schools to violate the law in the past.⁶ That is absolutely false: Standard 206 has been on the

¹ Standard 206(a)-(b), 2024-25 Standards and Rules of Procedure for Approval of Law Schools, American Bar Association Section of Legal Education and Admissions to the Bar ("Standard 206" or "the Standard").

² Letter from U.S. Dep't of Education, Office for Civil Rights at 1–2 (Feb. 14, 2025) ("DOE Letter").

³ Executive Order 14173, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025) ("EO 14173").

⁴ Letter from Attorney General Pamela Bondi to Chair David A. Brennen (Feb. 28, 2025), *available at* <https://www.justice.gov/ag/media/1392081/dl?inline>.

⁵ Letter from Chair David A. Brennen to Attorney General Pamela Bondi (Mar. 10, 2025).

⁶ *Id.*

books for years, and it requires blatantly illegal discrimination. The plain text of the standard acknowledges this by threatening that “[t]he requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity, or national origin in admissions or employment decisions *is not a justification for a school’s non-compliance with Standard 206.*”⁷ Moreover, despite promising to amend Standard 206, the ABA has reaffirmed its “commitment” to preferencing “those who have been historically excluded from the legal profession”—in other words, the ABA has reaffirmed its commitment to race-based preferencing under the banner of DEI.⁸

The Department of Justice is closely monitoring the ABA’s actions as it reconsiders Standard 206 in May. In the meantime, I am writing to make clear that the same legal principles that prohibit the ABA from requiring law schools to comply with diversity mandates also prohibit law schools from doing so voluntarily.

There is no longer any question about the illegality of race-based preferences in law school admissions and employment decisions. In *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, the question was “whether a university may make admissions decisions that turn on an applicant’s race”—the answer was a resounding “no.”⁹ Race-based affirmative action proceeds on the “pernicious stereotype” “that there is an inherent benefit in race *qua* race—in race for race’s sake.”¹⁰ Such programs “treat individuals as the product of their race, evaluating their thoughts and efforts—their very worth as citizens—according to a criterion barred to the Government by history and the Constitution.”¹¹ That is equally true of university employment decisions. “Eliminating racial discrimination means eliminating all of it.”¹² And “[i]f an educational institution treats a person of one race differently than it treats another person because of that person’s race, the educational institution violates the law.”¹³

De facto racial preferences established “through application essays or other means” are also unlawful.¹⁴ The Supreme Court gave us this example: While it may be permissible for universities to consider “an applicant’s discussion of how race affected his or her life,” any preference for that applicant “must be tied to *that student’s* courage and determination”; it may not serve as a proxy for preference “on the basis of race.”¹⁵ I urge similar caution regarding any and all DEI initiatives. If diversity is defined in terms of race and sex outcomes, then universities cannot lawfully pursue diversity by any means.

⁷ Standard 206, Interpretation 206-1 (emphasis added).

⁸ American Bar Association, *Statement Re: Standard 206* (Feb. 22, 2025), available at <https://www.americanbar.org/news/abanews/aba-news-archives/2025/02/aba-statement-re-standard-206/?login>.

⁹ 600 U.S. 181, 208 (2023) (“*SFFA*”).

¹⁰ *Id.* at 220.

¹¹ *Id.* at 221 (internal quotation marks omitted).

¹² *Id.* at 206.

¹³ DOE Letter at 2.

¹⁴ *SFFA*, 600 U.S. at 230 (“[W]hat cannot be done directly cannot be done indirectly.”).

¹⁵ *Id.* at 230–31.

Subject: Elimination of Race-based Preferences in Law School Admissions
and Employment Decisions

I join the President and the Supreme Court in “forcefully reject[ing] the notion that government actors may intentionally allocate preference to those who may have little in common with one another but the color of their skin.”¹⁶ We have come too far as a nation to allow the abominable practice of discrimination on the basis of one’s race to continue. The Department of Justice stands ready to deploy all available tools to combat unlawful and immoral DEI mandates.

¹⁶ *Id.* at 220 (internal quotation marks omitted).