
**In The
Supreme Court of the United States**

—◆—
ABIGAIL NOEL FISHER,

Petitioner,

v.

UNIVERSITY OF TEXAS AT AUSTIN, *et al.*,

Respondents.

—◆—
**On Writ Of Certiorari To The United States
Court Of Appeals For The Fifth Circuit**
—◆—

**BRIEF OF AMICI CURIAE RELIGIOUS ORGANIZATIONS
AND CAMPUS MINISTRIES INCLUDING THE GENERAL
BOARD OF CHURCH AND SOCIETY OF THE UNITED
METHODIST CHURCH, REV. GRADYE PARSONS,
STATED CLERK OF THE GENERAL ASSEMBLY OF THE
PRESBYTERIAN CHURCH (U.S.A.), AMERICAN BAPTIST
CHURCHES IN THE U.S.A., THE AFRICAN METHODIST
EPISCOPAL ZION CHURCH (U.S.A.), THE GENERAL
SYNOD OF THE UNITED CHURCH OF CHRIST,
THE PROGRESSIVE NATIONAL BAPTIST
CONVENTION, THE NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST IN THE U.S.A., ESPERANZA,
THE CHRISTIAN LIFE COMMISSION AND THE
AFRICAN AMERICAN FELLOWSHIP OF THE BAPTIST
GENERAL CONVENTION OF TEXAS, THE AMERICAN
BAPTIST HOME MISSION SOCIETY, CATHOLICS IN
ALLIANCE FOR THE COMMON GOOD, NETWORK,
DISCIPLES JUSTICE ACTION NETWORK
(CHRISTIAN CHURCH (DISCIPLES OF CHRIST)),
SOJOURNERS, AND THE AFRICAN AMERICAN
MINISTERS LEADERSHIP COUNCIL
IN SUPPORT OF RESPONDENTS**

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QUESTION PRESENTED

Whether The University of Texas at Austin's use of race as one factor among many considered in the admissions process is permissible to secure the benefits of diversity in higher education.

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INTEREST OF *AMICI CURIAE*¹

Amici are major religious denominations and other religious organizations with a strong interest in securing the benefits of diversity for all students. Several of the *amici* sponsor campus ministries at campuses across the Nation, including The University of Texas at Austin. In particular, *amici* are committed to helping members of *amici*'s faith communities flourish in their own faith while engaging and interacting with others from diverse backgrounds. *Amici* seek to nurture young people and give them the tools they need to reach their full potential, including being equipped for the pluralistic and multicultural society in which *amici* minister and serve.

The General Board of Church and Society of The United Methodist Church ("UMC") is responsible for seeking to implement the UMC's Social Principles and providing forthright witness as provided in THE BOOK OF DISCIPLINE OF THE UNITED METHODIST CHURCH ¶ 1004 (United Methodist Publishing House 2008) ("UMC BOOK OF DISCIPLINE" or

¹ Pursuant to Rule 37.6, the *amici* submitting this brief and their counsel hereby represent that neither the parties to this case nor their counsel authored this brief in whole or in part, and that no person other than *amici* paid for or made a monetary contribution toward the preparation or submission of this brief. *Amici* file this brief in accord with the blanket written consent of all parties to the filing of *amicus curiae* briefs in support of either party or of neither party, copies of which are on file in the Clerk's Office.

“the Discipline”). The UMC is the third largest denomination in the United States, with campus ministries at over 500 colleges and universities throughout the country. The UMC’s Discipline affirms all persons as equally valuable in the sight of God and works toward societies in which each person’s value is recognized, maintained, and strengthened—living out the call to mission and ministry by engaging in ministry with the poor, combating diseases of poverty by improving health globally, creating new places for new people and renewing existing congregations, and developing principled Christian leaders. Campus ministries under the auspices of the UMC, including the Wesley Fellowship, which operates at The University of Texas at Austin, seek to be open and welcoming communities engaging in vital Christian ministry to students, faculty, and staff, while placing students at the heart of their missions, and providing the tools students need to help discern their call, develop their skills, and discover a community of other young Christian leaders. The General Board of Church and Society of The United Methodist Church files in this case out of the belief that diversity in higher education provides all students with a richer, more vibrant educational experience and prepares individuals for a leadership role in our pluralistic democracy.

Rev. Gradye Parsons, Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) (“PC (U.S.A.)”). Rev. Gradye Parsons, as Stated Clerk of the General Assembly, is the senior ecclesiastical officer of the Presbyterian Church

(U.S.A.). The PC (U.S.A) is a national Christian denomination with nearly 2,016,000 members in more than 10,560 congregations, organized into 173 presbyteries under the jurisdiction of 16 synods. Through its antecedent religious bodies, it has existed as an organized religious denomination within the current boundaries of the United States since 1706. This brief is consistent with the policies of the General Assembly of the PC (U.S.A.) regarding the elimination of racism in access to higher education, employment and public education. The General Assembly of the PC (U.S.A.) has historically recognized that in order to eliminate systemic racism, measures to increase diversity are often necessary. The General Assembly does not claim to speak for all Presbyterians, nor are its decisions binding on the membership of the Presbyterian Church. The General Assembly is the highest legislative and interpretive body of the denomination, and the final point of decision in all disputes. As such, its statements are considered worthy of the respect and prayerful consideration of all the denomination's members.

American Baptist Churches in the U.S.A. ("American Baptists") is one of the most diverse Christian denominations today, with 5,500 local congregations comprised of 1.3 million members across the United States and Puerto Rico. American Baptists are a Christ-centered, biblically grounded, ethnically diverse people called to radical personal discipleship in Christ Jesus. American Baptists nurture authentic relationships with one another; build healthy churches; transform communities,

engaging every member in hands-on ministry; and speak the prophetic word in love. As a people of prayer, purpose, and passion, American Baptists are in the forefront of creating a community of faith where people of every race, nationality, and culture gather as one in worship, service and work. American Baptists heed the call to evangelism and mission, seeking to energize the world in discipleship; to serve as witnesses for justice and wholeness; to provide healing and education to all; to promote peacemaking and holistic change; to fight poverty; and to develop leadership in our members. As members of an inclusive religion, American Baptists are gifted by a variety of backgrounds and find unity in diversity, diversity in unity, and embrace a pluralism of race, ethnicity, and gender. American Baptists file in this case out of the belief that diversity in higher education provides all students with a more vibrant educational experience, teaches all members of our society to value its diversity and to find unity in that diversity, develops leaders capable of embracing all members of our pluralistic democracy, and legitimizes our public institutions by ensuring that they are open to all members of society.

The African Methodist Episcopal Zion Church (U.S.A.) (“AMEZ”) is a Christian denomination with over 1.4 million members in the United States, with member churches on five continents with the mission to increase love for God and to help meet the needs of humankind by “Loving God with all our heart, with all our soul, and with our entire mind, and to love our

neighbor as ourselves.” The AMEZ realizes its mission through spirituality, worship, prayer, obedience, evangelization, ministry, and charity, focusing on each individual as a whole person. To that end, the AMEZ promotes and implements ministries that transform people’s lives spiritually, socially, and economically; promotes fellowship with God, believers, and non-believers; and affirms the grace inherent in every person. In particular, the AMEZ seeks to empower its members for ministry, so that each individual may attain the spiritual potential God has for him or her. The AMEZ files in this case out of the belief that diversity in higher education provides all students with a more vibrant educational experience, allowing each student to reach his or her potential; prepares individuals for leadership roles in our democracy; and promotes justice by ensuring that our public institutions are open to all members of society.

The General Synod of the United Church of Christ is the representative body of the national United Church of Christ (“UCC”) and is composed of delegates chosen by its Conferences, from member churches, voting members of Boards of Directors of Covenanted Ministries who have been elected by General Synod as described in the Bylaws of the UCC, and of *ex officio* delegates. The UCC was formed in 1957 by the union of the Evangelical and Reformed Church and the General Council of the Congregational Christian Churches of the United States in order to express more fully the oneness in Christ of the churches composing it, to make more

effective their common witness in Christ, and to serve God's people in the world. The UCC has approximately 5,600 Local Churches in the United States, with a membership of approximately 1.2 million. The General Synod of the UCC, various settings of the UCC, and its predecessor denominations, have a rich heritage of supporting diversity. In 1981 at its thirteenth gathering, the General Synod passed a foundational resolution entitled "Affirmative Action in Church and Society" and in 1995 at its twentieth gathering the General Synod passed a resolution entitled "Recommitment to Affirmative Action in Light of Recent Supreme Court Decisions." The General Synod of the United Church of Christ files in this case out of the belief that diversity in higher education teaches all members of our society to value its diversity, helps heal societal divisions and unify our society, prepares leaders for their roles in our pluralistic democracy, and legitimizes our public institutions by ensuring that they are open to all members of society.

The Progressive National Baptist Convention is an association of Baptist churches with 1.5 million members in the United States, committed to the mandate of making disciples of Christ. The Convention is founded on the precepts of fellowship, progress, service, and peace and seeks to affirm the "priesthood of all believers." The centerpiece of the Convention's witness is social justice and human liberation as a mandate of the Gospel. As part of its mission, the Convention promotes the training of

church leaders and lay members to equip them for a lifetime of ministry to humanity. The Convention is dedicated to the development of leaders in a global, diverse environment, and exposes its leaders to ministry opportunities and experiences in cultures other than their own to increase the effectiveness of their ministry and leadership. The Convention recognizes that the elimination of systematic racism often requires measures to increase diversity. The Convention files in this case out of the belief that diversity in higher education teaches all members of our society to value its diversity; helps to heal societal divisions and unify our society; prepares leaders for their roles in our pluralistic democracy; and legitimizes public institutions of higher education by ensuring that they are accessible to all members of society.

The National Council of the Churches of Christ in the USA (“NCCCUSA”) is the leading force for ecumenical cooperation among Christians in the United States. The NCCCUSA’s member faith groups—from a wide spectrum of Protestant, Anglican, Orthodox, Evangelical, historic African American and Living Peace churches—include 45 million persons in more than 100,000 local congregations in communities across the nation. Each participating denomination brings distinctive faith traditions to the Council’s common table. Protestant and evangelical traditions are represented by churches of British, German, Scandinavian and other European origin, historic African American churches, and immigrant churches from Korea and India. Orthodox member

communions have roots in Greece, Syria, Russia, the Ukraine, Egypt, India, and other places where Eastern and Oriental Orthodoxy have long histories. And each member communion has a unique heritage, including teachings and practices that differ from those of other members. As they gather in the Council, the member communions grow in understanding of each other's traditions. They work to identify and fully claim those areas of belief they hold in common; they celebrate the diverse and unique gifts that each church brings to ecumenical life; and together they study those issues that divide the churches. They cooperate in many joint programs of education, advocacy and service that address critically important needs and that witness to our common faith. NCCCUSA files in this case out of the belief that genuine unity demands inclusivity and a respect for diversity, and the belief that diversity in higher education teaches all members of society to value diversity, promotes justice, and creates models of shared leadership vital to our democracy.

Esperanza is the premiere Hispanic faith-based network in the country, led by visionary activists and thought leaders who understand the issues impacting Hispanic communities and act from a faith-based perspective. Esperanza delivers programs and services in its local Philadelphia community, and works with a network of over 12,000 clergy, churches, and community leaders across the country to strengthen Hispanic communities. Esperanza is driven by the biblical mandate to serve and advocate for "the least of these," and in doing so to strengthen Hispanic

communities. Esperanza files in this case based on the belief that diversity in higher education provides all students with a richer, more vibrant educational experience; prepares individuals to be active, empowered members of their communities; and is necessary to ensure that all members of our democracy have access to opportunities for self advancement.

The Christian Life Commission and the African American Fellowship of the Baptist General Convention of Texas. The Christian Life Commission is the ethics agency of the Baptist General Convention of Texas, a fellowship of churches joined together to transform our communities and the world. The African American Fellowship is the fellowship of African American Churches affiliated with the Baptist General Convention of Texas. The Baptist General Convention of Texas seeks to continue Jesus' ministry of teaching, evangelizing, and ministering to human needs; accomplishes our work through individuals with diverse backgrounds; values the inclusion of all persons; and embraces the mosaic of God's family, grateful for the richness of gifts, backgrounds, and experiences. The Christian Life Commission, which is a diverse body made up of both pastors and lay members of Texas Baptist churches throughout the State, works with churches, communities, and government leaders to help give voice to those often overlooked or ignored by society. Central to the Christian Life Commission is the call to recognize every individual's unique gifts, talents, and spiritual formation. The Christian Life Commission and the African American Fellowship reach out to all through

compassion and ministry, and promote racial reconciliation through ministry and public engagement. The Christian Life Commission and the African American Fellowship file in this case out of the firm commitment that the future and well-being of Texas is determined by the success of public education and lifelong learning; that the availability of education is vital for developing God's gifts, understanding, and wisdom; and that The University of Texas at Austin's admission policy furthers quality schooling for all Texas students.

American Baptist Home Mission Society ("ABHMS") answers God's call to live out Christian faith and transform individuals, congregations and communities by developing Christ-centered leaders, networks and programs committed to witness and evangelism, social justice, discipleship and mission work across the United States and Puerto Rico. Missionaries of all types—pastors and lay leaders; chaplains and pastoral counselors; refugee sponsors; directors of neighborhood action program Christian centers; volunteers; Sunday school teachers; and new church planters—partner with ABHMS daily to minister to those in need emotionally, physically, financially, and spiritually. A central part of ABHMS's mission is a commitment to sharing and learning across cultures, and the common understanding that the church is enriched when the contributions of all are engaged in its witness and mission. Through cultural awareness and sensitivity skill development, racial reconciliation training and

dialogue, intercultural development tools and coaching, and coordination of activities that promote cross-cultural learning opportunities, ABHMS helps congregations and individuals develop cultural awareness and sensitivity for building a just and inclusive church. ABHMS is also committed to providing and supporting educational opportunities that enable and empower students and ministerial leaders to grow both personally and professionally. ABHMS files in this case out of the belief that diversity in higher education provides all students with a more vibrant educational experience, teaches all members of our society to value its diversity and to find unity in that diversity, develops leaders capable of embracing all members of our pluralistic democracy, and legitimizes our public institutions by ensuring that they are open to all members of society.

Catholics in Alliance for the Common Good (“CACG”) is a civic organization that promotes Roman Catholic social teachings in public life. The organization advances an analysis of contemporary issues of public policy that is informed by these Catholic teachings; as Catholics we are called to participate actively in public life in the service of human dignity, social justice, and the common good. Central to CACG’s mission is the promotion of policies and programs that enhance the inherent dignity of all, and support the health, welfare, and advancement of all people, regardless of race, gender, religion, or economic class. CACG files in this case out of the belief that participation from all members of society

is necessary for the common good, and that diversity in higher education helps to ensure every person's right to participate in the economic, political, and cultural life of our society.

NETWORK has educated, organized and lobbied for economic and social transformation at the national level for over forty years. In that capacity, **NETWORK** has worked vigorously against racism in our nation as well as the growing wealth and income gaps that especially stigmatize communities of color. **NETWORK** grounds its work in Catholic Social Teaching, which emphasizes the dignity of each individual and the need to ensure that all individuals have access to the opportunities our nation has to offer. **NETWORK** files in this case out of the conviction that without access to higher education, at both the undergraduate and graduate levels, communities of color will continue to experience reduced earning capacity and further marginalization.

Disciples Justice Action Network ("DJAN") is a multi-racial, multi-ethnic grassroots network of individuals, congregations, and organizations within the Christian Church (Disciples of Christ). The Disciples of Christ was founded on the ideal of unity in Christ with openness and diversity in practice and belief, and is dedicated to wholeness in a fragmented world. The Disciples Justice Action Network seeks to live out this mission by working together and advocating greater justice, peace and diversity in churches, communities, nations, and the world. The Disciples Justice Action Network files in this case out

of the belief that diversity in higher education facilitates the creation of true communities, educates individuals in service and reconciliation, and promotes justice and wholeness in a fragmented world.

Sojourners is a national Christian organization committed to faith in action for social justice. Our mission is to articulate the biblical call to social justice, inspiring hope and building a movement to transform individuals, communities, the church and the world. With a 40-year history, Sojourners is a nonpartisan leader that convenes, builds alliances among, and mobilizes people of faith, focusing on racial and social justice, life and peace, and environmental stewardship. Our formal diversity statement affirms our belief that unity in diversity is not only desirable, but *essential* to fulfilling God's ultimate desire for God's people, and commits us to publicly advocate for civil rights and legal non-discrimination to protect the safety and dignity of all people. Sojourners files in this case out of that commitment to a society—including our educational system—that works to achieve diversity.

African American Ministers Leadership Council ("AAMLC") is a network comprised of 1,100 African American ministers, who believe churches are called to be centers of caring and action, and that religious leaders are called to lead by example. The AAMLC celebrates the historical role of the Black Church as a place of refuge and a source of strength in the midst of oppression. The AAMLC builds on a

strong association of pastors, clergy, theologians, seminarians, and ministry lay leaders to promote civic engagement, social justice programs, access to public education, health care, and economic justice for all. In particular, the AAMLC realizes its call and mission by giving pastors and lay leaders tools and access to support for strengthening congregations and communities. The AAMLC files in this case out of the belief that diversity in higher education provides all students with a more vibrant educational experience, teaches individuals to reach out to others with caring, prepares individuals for leadership roles in our society, and promotes the accessibility of institutions of public education to all comers.



INTRODUCTION AND SUMMARY OF ARGUMENT

Colleges and universities are traditionally places of debate and discussion, which require effective participation by members of all groups to further the goals of providing students with the tools to live in a pluralistic society, cultivating future leaders, and giving individuals the tools to mature in faith, compassion, and mutual understanding. A diverse campus promotes these goals, as interactions across socio-economic, racial, ethnic, and religious lines give all individuals the opportunity to explore new and varied points of view, to develop their unique talents and

gifts, and to reach out to others with kindness, respect, and compassion. The presence of only a few members of different groups, however, impedes these goals and undermines the vital principles of open access and equality.

Reaping the benefits of diversity in higher education requires a critical mass of minorities so that members of each group can bring their individualized experiences to bear, rather than be perceived as simply a representative of any one specific group. *Amici* religious organizations and denominations, some of which sponsor thriving campus ministries at The University of Texas at Austin and other colleges and universities throughout the Nation, are committed to enhancing and strengthening the independence, inclusion, individuality, and diversity of all people—affirming “all persons as equally valuable in the sight of God” and working toward “societies in which each person’s value is recognized, maintained, and strengthened.” UMC BOOK OF DISCIPLINE ¶ 162. *Amici* further believe it is important for “racial minorities to have their special circumstances considered in order to improve their educational opportunities * * * ” *Grutter v. Bollinger*, 539 U.S. 306, 395 (2003) (Kennedy, J., dissenting).

Amici therefore support policies that promote diversity in higher education in a holistic fashion so that individuals have the opportunity to develop their full potential. Such policies provide flexibility to consider each individual’s unique experiences and background and to admit students of all backgrounds, who

bring an array of talents and leadership skills that are essential to realizing the benefits of a student body that is not just racially diverse, but diverse along all lines. This broad diversity is fundamental to the university, which serves as a vital training ground for future political, civic, and business leaders of the Nation. It is also fundamental to *amici*, which similarly value the rich diversity of the college communities in which their members are educated, and in which *amici* minister and serve.

ARGUMENT

I. The Benefits Of Diverse College Campuses Are Vital To *Amici*'s Missions

Amici religious denominations and organizations strive to provide their members, including college students, with faith communities in which to grow and develop. See, e.g., THE GENERAL BOARD OF HIGHER EDUCATION & MINISTRY, *United Methodist Campus Ministry: College and University Students* (“We long to provide the tools students need to help discern their call, develop their skills, and discover a community of other young Christian leaders.”);² AMERICAN

² At http://www.gbhem.org/site/c.lskSL3POLvF/b.3594249/k.46E/Welcome_to_United_Methodist_Campus_Ministry.htm (last visited Aug. 8, 2012). The campus ministries of the United Methodist Church are known as “Wesley Foundations.” Wesley Foundations trace their beginnings to the origins of Methodism itself—specifically, to the founding “Holy Club” of the Methodist (Continued on following page)

BAPTIST CHURCHES (USA), *Vision* (“As a people of prayer, purpose, and passion, we are in the forefront of creating a community of faith where people of every race, nationality and culture gather as one in worship, service and work”).³ Likewise, *amici* seek to promote a society that recognizes the worth and dignity of every human being. NETWORK, *Issues* (affirming that “each person has an inherent and unalienable dignity”);⁴ UNIVERSITY PRESBYTERIAN CHURCH, *Multicultural Affirmation* (affirming commitment to the “recognition of the importance of all individuals in the makeup of God’s Kingdom” and the “opportunity to learn more about one another and how we can live and work in unity”);⁵ NATIONAL COUNCIL OF CHURCHES, *Member Communions* (“NCC

movement, which comprised a group of students at Oxford University led by John Wesley in “methodical” study, prayer, and self-discipline. The first Wesley Foundation in the United States was established in 1913 at the University of Illinois. The name “Wesley Foundation” was chosen to emphasize two spheres of outreach: “Wesley” refers to John Wesley, the founder of the Methodist Church and the first campus minister at Oxford University; “Foundation” refers to an “open movement,” that is, an ecumenical movement available to all students.

³ At <http://www.abc-usa.org/WhoWeAre/Vision/tabid/56/Default.aspx> (last visited Aug. 8, 2012).

⁴ At <http://www.networklobby.org/issues/economic-justice> (last visited Aug. 8, 2012).

⁵ At <http://upcaustin.org/wp-content/uploads/2010/09/MulticulturalAffirmation.pdf> (last visited Aug. 8, 2012).

believes that genuine unity demands inclusivity and a respect for diversity.”⁶

As part of these efforts, *amici* focus on individuals—encouraging them to explore and nurture their unique gifts and talents. See, e.g., UMC BOOK OF DISCIPLINE ¶ 162 (affirming all persons as “equally valuable in the sight of God” and “work[ing] towards societies in which each person’s value is recognized, maintained, and strengthened”); SOJOURNERS, *Diversity Statement* (“We affirm the biblical truth of every human being’s inherent dignity and worth, as all people are created in the image of God.”);⁷ CATHOLICS IN ALLIANCE FOR THE COMMON GOOD, *Our Vision* (CACG “is committed to creating the necessary conditions for a culture of life that reverences the life and dignity of the human person at all stages”);⁸ AMERICAN BAPTIST CHURCHES (USA), *Leadership Development* (“The vitality of any local congregation is dependent not only on inspiring preaching, but also on Christian education, visitation, prayer ministries, youth work, stewardship programs and many other components that draw upon the varied skills of the entire church

⁶ At http://www.nccusa.org/about/about_ncc.html (last visited Aug. 8, 2012).

⁷ At <http://sojo.net/about-us/diversity-statement> (last visited Aug. 8, 2012).

⁸ At <http://www.catholicsinalliance.org/aboutus.html> (last visited Aug. 8, 2012).

family.”)⁹ *Amici* celebrate the uniqueness of each individual, and thus seek to encourage—and challenge—members in developing their own potential, particularly during the critical college years. See, e.g., BRASKAMP, ET AL., *PUTTING STUDENTS FIRST: HOW COLLEGES DEVELOP STUDENTS PURPOSEFULLY* 191 (2006) (“Students are learning and developing in college for a purpose: that is, to be of service to the world.” (citation omitted)).

At the same time, *amici* focus on outreach to and engagement with wider communities—teaching and fostering respect for those of different faiths, opinions, and beliefs. See, e.g., *Our People: The People of The Methodist Church* (explaining that Methodists “accept you for who you are * * * [s]how respect for other religions * * * [and] [w]elcome diverse opinions and beliefs”),¹⁰ Paul Massingill, *Keys To Creating A Diverse Campus Ministry* (explaining the “core commitment that following Jesus and being in Christian community requires us to be in relationship with those who are ‘different’ than we are.”)¹¹ In doing so, *amici* seek to promote authentic relationships, which

⁹ At <http://www.abc-usa.org/WhoWeAre/Identity/Mission/LeadershipDevelopment/tabid/65/Default.aspx> (last visited Aug. 8, 2012).

¹⁰ THE UNITED METHODIST CHURCH, http://www.umc.org/site/c.lwL4KnN1LtH/b.1355351/k.2E2B/Our_People.htm (last visited Aug. 8, 2012).

¹¹ THE GENERAL BOARD OF HIGHER EDUCATION & MINISTRY (July 30, 2011), <http://www.gbhem.org/site/apps/nlnet/content3.aspx?c=lsKSL3POLvF&b=5521401&ct=11450361>.

are the foundation of the true community that *amici* seek to foster. See, e.g., TEXAS WESLEY UNITED METHODIST CAMPUS MINISTRY, *Who We Are* (emphasizing a “welcoming community that focuses on small group interaction”);¹² AMERICAN BAPTIST CHURCHES (USA), *Mission Statement* (“Our commitment to Jesus propels us to nurture authentic relationships with one another”);¹³ Alec Hill, *Committed to Community* (seeking “true community” marked by “authenticity” and noting the importance of “building a community to reach a community”).¹⁴

Diverse college campuses are exceptionally important to these efforts by *amici* because they provide critical settings in contemporary society where individuals “learn from one another and challenge one another.” CAMPUS HOUSE OF PRAYER, *Missional Community Movement Vision*.¹⁵ Such peer learning and growth is particularly apparent when students have the opportunity to interact with those who are different, as this allows students “to break out of the stereotypes so that [they] can be free to be exactly who [they] are.” UNIVERSITY BAPTIST CHURCH, *College*

¹² At <http://www.texaswesley.com/who-we-are/> (last visited Aug. 8, 2012).

¹³ At <http://www.abc-usa.org/WhoWeAre/Vision/tabid/56/Default.aspx> (last visited Aug. 8, 2012).

¹⁴ INTERVARSITY CHRISTIAN FELLOWSHIP (Feb. 11, 2003), <http://www.intervarsity.org/news/committed-to-community>.

¹⁵ At <http://texasunited.org/mission/vision/> (last visited Aug. 8, 2012).

Ministry, Labyrinth.¹⁶ Experiencing the diversity of humanity further gives students the opportunity to “learn the fullness of God’s creation.” *A Resolution To Affirm University Presbyterian Church As A Multi-cultural Church*.¹⁷ A diverse campus environment is necessary for students to realize *amici*’s goals; grow in their faith; and develop into whole persons.

Amici, through sponsorship of campus ministries and many other activities, focus not only on building authentic, meaningful relationships and teaching individuals to develop into whole persons, but also on sharing their faith with and ministering to diverse people. AMERICAN BAPTIST CHURCHES (USA), *Vision* (“[W]e work together in mutual submission, humility, love, and giving that the gospel might be preached and lived in all the world.”);¹⁸ EVERY NATION CAMPUS MINISTRIES, *Core Values* (“Because we are called to make disciples, our primary focus is ministering to people”);¹⁹ UNIVERSITY PRESBYTERIAN CHURCH, *Diversity* (“We are prayerfully and intentionally seeking to welcome and befriend an ever widening circle of God’s

¹⁶ At http://ubcaustin.org/labyrinth/?page_id=10 (last visited Aug. 8, 2012).

¹⁷ UNIVERSITY PRESBYTERIAN CHURCH 1 (2010), <http://upcaustin.org/wp-content/uploads/2010/09/MulticulturalAffirmation.pdf> (citation and internal quotation marks omitted).

¹⁸ At <http://www.abc-usa.org/WhoWeAre/Vision/tabid/56/Default.aspx> (last visited Aug. 8, 2012).

¹⁹ At http://www.enctexas.com/ENCM/Core_Values.html (last visited Aug. 8, 2012).

people.”)²⁰ To do this requires that *amici* “encourage and participate in the education of young people, in order that they might be better equipped to live in a multicultural society.” EVANGELICAL LUTHERAN CHURCH IN AMERICA, *Freed in Christ: Race, Ethnicity and Culture*.²¹

Moreover, *amici* recognize that “[m]any needs are best met by joining forces with others.” The UNITED METHODIST CHURCH, *Mission and Ministry* (“We take part in community groups that are trying to serve human need or trying to change social forces that cause suffering”);²² NETWORK, *History* (explaining that success is due to “continued involvement of hundreds of congregations of women religious and thousands of individual Sisters, as well as that of parishes, small faith communities, religious congregations of brothers and priests, and thousands of individual activists”).²³ As a result, *amici* frequently partner with other faith-based groups to advance their mutual goals and missions. See, e.g., UNIVERSITY INTERFAITH COUNCIL, *Welcome* (discussing goal “to provide mutual support, to discuss issues and values

²⁰ At <http://upcaustin.org/about/diversity> (last visited Aug. 8, 2012).

²¹ Adopted Aug. 31, 1993, <http://www.elca.org/What-We-Believe/Social-Issues/Social-Statements/Race-Ethnicity-Culture.aspx>.

²² At http://www.umc.org/site/c.lwLAKnN1LtH/b.2295473/k.7034/Mission_and_Ministry.htm (last visited Aug. 8, 2012).

²³ At <http://www.networklobby.org/about-us/history> (last visited Aug. 8, 2012).

relevant to our ministries at U.T., and to facilitate common programs with each other”);²⁴ DISCIPLES JUSTICE ACTION NETWORK, *Links and Allies* (listing groups with which it partners);²⁵ SOJOURNERS, *History* (explaining goal of “uniting churches and faith-based organizations across the theological and political spectrum”);²⁶ CATHOLICS IN ALLIANCE FOR THE COMMON GOOD, *Our Vision* (discussing “network of more than 20 national Catholic and interfaith organizations that include laypeople, theologians, priests, and women religious”).²⁷ This collaboration and partnership is critical to achieving *amici*’s shared mission of change and growth in their communities and the world. And such collaboration and partnership requires the ability to reach out to diverse individuals and organizations.

Amici thus endeavor to prepare their members to live out their faith in a world that is increasingly diverse. The population of the United States is today approximately 308 million, consisting of approximately 50.5 million Latinos or Hispanics (16.3 percent); 42 million Black and African Americans (13.6 percent), 17.3 million Asian Americans (5.6 percent), and 5.2 million Native Americans (1.7 percent). *Profile of General Population and Housing*

²⁴ At <http://www.uicut.org/> (last visited Aug. 8, 2012).

²⁵ At <http://www.djan.net/links.htm> (last visited Aug. 8, 2012).

²⁶ At <http://sojo.net/about-us/history> (last visited Aug. 8, 2012).

²⁷ At <http://www.catholicsinalliance.org/aboutus.html> (last visited Aug. 8, 2012).

*Characteristics: 2010.*²⁸ By 2050, it is expected that the population will consist of approximately 128 million Latinos or Hispanics (29 percent); 59 million Black and African Americans (13 percent), and 41 million Asian Americans (9 percent). Jeffrey S. Passel & D. Vera Cohn, *U.S. Population Projections 2005-2050* 9-10.²⁹ Thus by 2050, it is likely that no single racial group will account for over 50 percent of the population. *Id.* at 10.

For *amici* to properly equip their members to minister to, serve, and partner with diverse communities, now and in the future, it is vital that members be exposed to diversity in ways that allow students of faith to explore new points of view, develop interests and talents, and “reexamine their most deeply held assumptions about themselves and their world.” *Christian Legal Soc’y v. Martinez*, 130 S. Ct. 2971, 2999 (2010) (Kennedy, J. concurring) (quoting *Regents of the Univ. of Cal. v. Bakke*, 438 U.S. 265, 312, 313, n.48 (1978)). It is vital that these members encounter and engage individuals of different economic, racial, ethnic, and religious backgrounds. This is not merely a compelling educational interest; it is an imperative for the development both of *amici*’s members and of an active and involved citizenry. See *Grutter*, 539

²⁸ United States Census Bureau, http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1&prodType=table (last visited Aug. 8, 2012).

²⁹ The Pew Research Center (Feb. 11, 2008), <http://pewsocialtrends.org/files/2010/10/85.pdf>.

U.S. at 332 (“Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible is to be realized.”); see also SOJOURNERS, *Diversity Statement* (“We believe that unity in diversity is not only desirable, but *essential* to fulfilling God’s ultimate desire for God’s people, as expressed in scripture (Acts 2, Revelation 7:9), and thus an essential element of seeking God’s will on earth as it is in heaven.” (emphasis in original));³⁰ AMERICAN BAPTIST CHURCHES (USA), *10 Facts You Should Know About American Baptists* (“American Baptist Churches USA today is the most racially inclusive Protestant body. Represented in our churches are equally diverse worship styles, cultural mores and approaches to Scriptural interpretation. The resulting challenges and opportunities have made us stronger—through fellowship, respect, mutual support and dialog, all based on a belief that unity in Christ involves growth and understanding.”).³¹

To fulfill their own missions of helping their members grow in their faith, understanding and compassion; providing the tools their members will need to reach their full potential as individuals in our ever-changing pluralistic society; and cultivating leaders for the next generation, *amici* rely on the existence of

³⁰ At <http://sojo.net/about-us/diversity-statement> (last visited Aug. 8, 2012).

³¹ At <http://www.abc-usa.org/portals/0/ABC10FactsBrochure.pdf> (last visited Aug. 8, 2012).

rich diversity along all lines at our Nation's colleges and universities.

II. Diversity Is Particularly Important At Flagship Schools Like The University Of Texas At Austin

Amici share both a conviction that the tradition of pluralism is enhanced when people of faith bring their concerns and convictions into public life, and a moral obligation to work towards a more just society in which access to opportunity is visibly open to all. That obligation extends to ensuring that each individual's worth is recognized and that all have equal access to higher education—including flagship schools like The University of Texas at Austin—regardless of economic status, race, ethnicity, religion, or creed. See, e.g., UMC BOOK OF DISCIPLINE ¶ 162-A (asserting “the right of members of racial and ethnic groups to equal opportunities in employment and promotion [and to] education and training of the highest quality”).

Given these principles, it is exceptionally important that flagship schools—like The University of Texas at Austin—ensure their campuses are diverse along all lines. The realization of each individual's potential is brought to fruition when elite universities are clearly open to all comers. This openness reinforces our pluralistic tradition, helping to ensure essential and “[e]ffective participation by members of

all racial and ethnic groups in the civic life of our Nation.” *Grutter*, 539 U.S. at 332.

Flagship schools disproportionately develop the leaders who shape civic and political life. *Ibid.* In a world where civic, political, religious, and community life is ever more diverse, it is essential to the growth of future leaders that they be exposed to and reflect the wealth of diversity that exists, and experience the diverse communities they will lead. This helps to guarantee their legitimacy, by making “the path to leadership [] visibly open to talented and qualified individuals of every race and ethnicity.” *Ibid.*

Additionally, flagship schools educate *amici*’s members, who go on to serve important roles in charitable and community life, and as role models. *Amici*’s members are better equipped to act as role models, living and teaching their faith in a diverse world, when they have been educated in an environment that is diverse in all ways. Access to and experience of a richly diverse education assists all individuals in realizing their unique potential, thus enabling them to better serve and minister to their diverse communities. But students are not the only beneficiaries of diverse flagship institutions. The Nation, too, benefits as its “‘future depends upon leaders trained through wide exposure’ to the ideas and mores of students as diverse as this Nation of many peoples.” *Bakke*, 438 U.S. at 313 (quoting *Keyishian v. Bd. of Regents of the Univ. of the State of N.Y.*, 385 U.S. 589, 603 (1967)).

A diverse student body is therefore essential to provide students with the tools to live in a pluralistic society, the cultivation of future leaders, and to make sure that individuals mature in faith and compassion to become active, engaged members of our communities. But the presence of only a few members of different groups impedes these goals and undermines the central tenets of accessibility and equality.

Achieving the benefits of diversity requires that there be enough individuals of all types on a campus, so that no one individual feels isolated as a result of his or her unique characteristics, and so that no single individual is made to feel like a “spokesperson” for his or her group. In essence, the goal of critical mass is to make sure that an individual is not seen in a binary context, but rather as a whole person—unique and deserving of respect. Reaching a critical mass thus enables members of all groups to share their *individualized* experiences, rather than being viewed simply as representative of a specific group. *Grutter*, 539 U.S. at 333. In this regard, “some attention to numbers” is inevitable. See *id.* at 336 (quoting *Bakke*, 438 U.S. at 323). For individuals to realize their shared humanity, to accept one another as individuals, to experience meaningful communication, and to grow into their true potential, it is vital to experience diversity of all forms, to understand that every individual has a unique context, and to value that context.

CONCLUSION

For the foregoing reasons, the judgment of the Fifth Circuit should be affirmed.

Respectfully submitted,

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