

Affirmative action

At bottom, without any new factual or legal justification, the Court overrides its longstanding holding that diversity in higher education is of compelling value. To avoid public accountability for its choice, the Court seeks cover behind a unique measurability requirement of its own creation. None of this Court's precedents, however, requires that a compelling interest meet some threshold level of precision to be deemed sufficiently compelling.

**Sonia Sotomayor, dissent in
Students for Fair Admissions, Inc. v.
Harvard College and University of North Carolina**