

Affirmative action

In the end, when the Court speaks of a “colorblind” Constitution, it cannot really mean it, for it is faced with a body of law that recognizes that race-conscious measures are permissible under the Equal Protection Clause. Instead, what the Court actually lands on is an understanding of the Constitution that is “colorblind” *sometimes*, when the Court so chooses.

Behind those choices lie the Court’s own value judgments about what type of interests are sufficiently compelling to justify race-conscious measures.

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