



June 30, 2023

Dean Heather Gerken  
Yale University Law School  
127 Wall St  
New Haven, CT 06511

Dear Dean Gerken:

Yesterday, the Supreme Court declared racial preferences illegal in higher education. I write to inform you of the consequences that you and your institution will face if you fail to comply with or attempt to circumvent the Court's ruling.

It is unlawful for Yale University Law School to flout the Constitution and the unambiguous command of Title VI by admitting students with lower LSAT scores and academic credentials than those demanded of others based on their race, sex, or national origin. It is unlawful for your school to violate Title VI, Title VII, and Title IX in its faculty hiring by discriminating in favor of female and minority faculty candidates at the expense of others. It is unlawful for your school to allow their student-run journals to give discriminatory preferences to women and minorities in membership and article selection.

You must immediately announce the termination of all forms of race, national origin, and sex preferences in student admissions, faculty hiring, and law-review membership or article selection. And you must, before the start of the next academic school year, announce an official policy that prohibits all components of the law school from giving preferential treatment to anyone because of that individual's race, national origin, or sex.

There are those within and outside your institutions who will tell you that you can develop an admissions scheme through pretext or proxy to achieve the same discriminatory outcome. Anyone telling you such a thing is coaching you to engage in illegal conduct in brazen violation of a Supreme Court ruling, lawbreaking in which you would be fully complicit and thus fully liable.

You are hereby warned.

611 Pennsylvania Ave SE #231  
Washington, DC 20003

Any such regime—for example, relying on biography over qualifications—to achieve desired racial outcomes is clearly illegal and unconstitutional, and you will face legal repercussions accordingly.

We will ensure that every faculty member, staff member, student, and applicant for admission can communicate with us about any efforts to use underhanded race, national origin, and sex preferences, and we will use any information obtained to ensure accountability.

America First Legal is a charitable nonprofit and civil rights organization that provides free legal services to victims of unlawful discrimination. We will represent victims of these policies and sue any law school that allows these illegal and discriminatory practices to continue.

Sincerely,

Stephen Miller  
President  
America First Legal

cc: Miriam Ingber, Admissions

Alexander E. Drier, Senior Vice President and General Counsel, Yale Law School

Members of the Faculty