

Arizona House Bill 2868 Testimony
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February 20, 2025

My name is Renu Mukherjee, and I'm a Fellow at the Manhattan Institute, a think tank dedicated to advancing opportunity, individual liberty, and the rule of law in America and its great cities. I'm also a Ph.D. candidate in political science. My research largely focuses on the restoration of colorblindness, merit, and the pursuit of excellence in American higher education. Accordingly, I'm here today to testify in support of House Bill 2868, and all opinions expressed in this testimony are my own.

In 2023, the United States Supreme Court, in *Students for Fair Admissions v. Harvard*, struck down the use of racial preferences in university admissions. This practice, the Court concluded, unlawfully rewarded certain students on account of their race or ethnicity and penalized others. Chief Justice John Roberts, in his majority opinion, wrote the following: "Many universities have for too long wrongly concluded that the touchstone of an individual's identity is not challenges bested, skills built, or lessons learned, but the color of their skin. This Nation's constitutional history does not tolerate that choice."¹

Neither will the justice and education departments under President Donald Trump. Two days after taking office, he issued an executive order that abolished racial preferences and other Diversity, Equity, and Inclusion (DEI) practices from the federal government, as well as ordered the DOJ and DOE to require universities to comply with the principles of colorblindness and equal opportunity articulated in *Students for Fair Admissions*.² In a "Dear Colleague" letter shared with universities on February 14, the Trump Administration made clear that if an educational institution receiving federal funds "treats a person of one race differently than it treats another person because of that person's race, the educational institution violates the law."³ This rule not only applies in the context of university admissions, but also in hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, and graduation ceremonies; it outlaws DEI in higher education, full-stop.

House Bill 2868 ensures that public colleges and universities in Arizona are in compliance with both *Students for Fair Admissions* and President Trump's aforementioned executive order, which, in effect, enforces the ruling. The bill is necessary because there are serious questions as to whether at least some Arizona universities are currently engaged in illegal discrimination.

Consider, for example, the state flagship, the University of Arizona. According to the university's website, one of its six institutional values is "inclusion," which the university defines as "harness[ing] the power of diversity." The web page for this particular University of Arizona value invites individuals to access an "anti-racism virtual reality."⁴

¹ *Students for Fair Admissions v. President and Fellows of Harvard College* (2023).

² <https://www.whitehouse.gov/presidential-actions/2025/01/ending-illegal-discrimination-and-restoring-merit-based-opportunity/>.

³ <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>.

⁴ arizona.edu/purpose-mission-values/inclusion. (Accessed February 18, 2025)

But that's just one example. The University of Arizona also operates something called the "Thrive Center." The Thrive Center provides low-income, first-generation, and "historically underrepresented students" with academic assistance geared toward degree completion and other support. At least one Thrive Center program, the "Men of Color (MOC) Initiative," appears to discriminate on the basis of race. This initiative helps self-identifying men of color with academics and mentorship and even gives participants a monetary stipend. The Thrive Center's website suggests that white students—regardless of their socioeconomic status, family background, or geographic location—are unable to participate and receive this additional support.⁵

Such programs likely violate the law and run counter to both *Students for Fair Admissions* and President Trump's executive order. They warrant an investigation and place the University of Arizona in jeopardy of losing its federal funding. House Bill 2868 is a much needed remedy and will restore higher education in Arizona to its original purpose: the pursuit and dissemination of knowledge.

Thank you for your time. I'm happy to answer any questions that you may have.

⁵ thrive.arizona.edu/men-of-color-initiative. (Accessed February 18, 2025)