



PROTECT *the* PUBLIC'S TRUST

Aug 20, 2026

The Honorable Linda McMahon
Secretary, U.S. Department of Education
Lyndon Baines Johnson Department of Education Building
400 Maryland Ave., SW
Washington, DC 20202

David Barker
Assistant Secretary for Postsecondary Education
U.S. Department of Education, Office of Postsecondary Education
Lyndon Baines Johnson Department of Education Building
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Re: Renewal of the ABA's Law School Accreditor Status

Dear Secretary McMahon,

Protect the Public's Trust (PPT) submits this letter in advance of the American Bar Association's (ABA) September 2026 accreditation renewal hearing¹ before the National Advisory Committee on Institutional Quality and Integrity (NACIQI), in which the advisory committee will recommend an outcome to the Secretary of Education.²

We are writing to express our opposition to the renewal of the ABA's role as the federal government's exclusive law school accreditor.

Our nation's budding attorneys, those who will be entrusted with ensuring justice for the American people, deserve a fair and impartial accrediting body. The ABA has demonstrated that it is unfit to serve in such an important role by virtue of its long track record of partisan behavior and its promotion of discriminatory policies.

¹ American Bar Association, Section of Legal Education and Admissions to the Bar, *Memorandum: Final Approval of Standard 206, Council Meeting* (May 2026), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/2026/council-meeting/2026-may-standard-206-final-approval-memo.pdf.

² NACIQI is a bipartisan advisory panel tasked with making recommendations to the Department of Education on continued recognition of accrediting agencies. These accrediting agencies act as gatekeepers for institutions' participation in the Title IV Higher Education Act (HEA) federal student aid programs, as students must attend accredited programs in order to be eligible for federal student loans, U.S. Department of Education, "National Advisory Committee on Institutional Quality and Integrity," accessed June 10, 2026, <https://sites.ed.gov/naciqi>.



Who We Are

PPT is a nonpartisan, nonprofit organization dedicated to promoting ethics in government and restoring the public's trust in government officials. It is imperative in light of severe social challenges America has suffered in the last several years that institutions, especially educational institutions, maintain their credibility with the American people. There is no place in education for inherently discriminatory curriculum, decision-making, admissions, or campus access.

Background

With the issuance of the Executive Order (EO) *Reforming Accreditation to Strengthen Higher Education*³ early in his second term, President Trump signaled to the Department of Education (the "Department") that it should root out discrimination in the nation's schools and universities. The EO emphasizes that, despite the torrent of worsening outcomes for our nation's students, the legal industry's gatekeepers at the ABA instead chose to focus on diversity, equity and inclusion ("DEI") and other politicized agendas:

The American Bar Association's Council of the Section of Legal Education and Admissions to the Bar (Council), which is the sole federally recognized accreditor for Juris Doctor programs, has required law schools to "demonstrate by concrete action a commitment to diversity and inclusion" including by "commit[ting] to having a student body [and faculty] that is diverse with respect to gender, race, and ethnicity." As the Attorney General has concluded and informed the Council, the discriminatory requirement blatantly violates the Supreme Court's decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023).⁴

The EO observes that the Secretary of Education is responsible for holding accreditors accountable. If accreditors fail to satisfy the relevant criteria under Federal law, they can be disciplined or lose that accreditation authority. The EO places an emphasis on accreditors who impose requirements for schools to "engage in unlawful discrimination in accreditation-related activity under the guise of 'diversity, equity, and inclusion' initiatives," and calls for lawful sanctions up to and including "termination of accreditation recognition."⁵

³ Executive Order 14279, *Reforming Accreditation to Strengthen Higher Education*, 90 Fed. Reg. 17529, (April 23, 2025). Then Attorney General Pam Bondi earlier sent a similar letter to the ABA, Pamela Bondi, Letter to David A. Brennan, February 28, 2025, U.S. Department of Justice, <https://www.justice.gov/ag/media/1392081/dl?inline>.

⁴ Exec. Order No. 14279, 90 Fed. Reg. 17,529 (Apr. 28, 2025).

⁵ Ibid; 20 U.S.C. § 1099b.



PROTECT *the* PUBLIC'S TRUST

Under the law, the Secretary must determine if an accrediting agency is in compliance with Section 1099b, which sets the criteria for the Department to recognize an accrediting agency as a “reliable authority,” and thus worthy of having accreditation powers.⁶ If the Secretary finds that an accrediting agency has failed to satisfy these statutory requirements, then, after notice and hearing, the Secretary may “limit, suspend or terminate the recognition.”⁷ This is an ongoing process, as the Department, through regulation, requires accrediting agencies to apply for renewal of recognition every 5 years.⁸

The ABA’s DEI Focus

Underpinning its DEI focus, the ABA’s Member Diversity, Equity and Inclusion Plan states that “Diversity, equity, and inclusion is a strategic imperative for the American Bar Association and for the legal profession,” and maintains that “all ABA entities and members are responsible for advancing ABA Goal III [to eliminate bias and enhance diversity] - it permeates everything we do internally and externally as an Association.”⁹

Official ABA accreditation policy further provides insight into the mindset of ABA leadership and suggests bad faith.¹⁰ The ABA effectively requires schools to *find* creative ways to *avoid constitutional or statutory requirements* that conflict with its DEI mandates. It conditions accreditation on violating the spirit of the law, if not the literal text, as seen in Interpretation 206-1:

The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity, or national origin in admissions or employment decisions is not a justification for a school’s non-compliance with Standard 206. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 206 by means other than those prohibited by the applicable constitutional or statutory provisions.¹¹

⁶ 20 U.S.C. § 1099b.

⁷ 20 U.S.C. § 1099b(l).

⁸ 34 C.F.R. § 602.31.

⁹ American Bar Association, *New BOG Approved Member DEI, Diversity, Equity and Inclusion Plan* (Chicago: American Bar Association, n.d.), accessed June 18, 2026), <https://www.americanbar.org/content/dam/aba/administrative/diversity-inclusion-center/new-bog-approved-member-dei-plan.pdf>.

¹⁰ American Bar Association, *2025–2026 Standards and Rules of Procedure for Approval of Law Schools* (Chicago: American Bar Association, 2025), 7, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2025-2026/2025-2026-standards-and-rules-of-procedure-for-approval-of-law-schools.pdf.

¹¹ *Ibid*, 17.



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While the ABA suspended enforcement of Standard 206 in February 2025 (currently through August 31, 2027) and has recently voted to eliminate this DEI requirement, as of this writing the decision has not gone through final review and vote by the ABA House of Delegates.¹² With these issues still pending, one might even surmise that the ABA intends to continue to run out the clock until a more favorable administration takes office.

Further illustrating the ABA's prioritization of racial issues, Standard 303, titled "Curriculum," is still in effect while undergoing an initial review by the ABA Council.¹³ Section 303(c) requires law schools to "provide education to law students on bias, cross-cultural competency, and racism" at the start of their program and at least once again before graduation.¹⁴ The ABA did not clearly define this standard, resulting in many schools "embedding mandatory DEI seminars, implicit bias workshops, identity-based programming, and race-conscious curricular modules into already crowded academic schedules."¹⁵

A student's time is a finite resource, and time spent on compulsory ideological programming is time not spent on developing substantive legal skills. Beyond that, these mandates produce ideological conformity rather than building the healthy skepticism and analytical rigor required of competent attorneys.

The ABA has an extensive history of promoting racially based discrimination. One telling example occurred a decade ago, when, in 2016, it adopted a rule mandating an explicit quota system whereby Continuing Legal Education (CLE) panels needed specific numbers of "diverse members," and barred CLE accreditation for panels that did not comply.¹⁶ Only pushback from the Florida Supreme Court ended this practice, when the Court banned the ABA from awarding CLE credit for programs that utilized these quotas.¹⁷

The ABA also filed an amicus brief on the losing side of the aforementioned *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College (SFA)*.¹⁸ The brief proclaimed the ABA's "profound interest" in allowing consideration of race as a factor in the higher

¹² Maria Lenin Laus, "ABA Removes Controversial DEI Rule for Law Schools," *JD Journal*, May 16, 2026, <https://www.jdjourn.com/2026/05/16/aba-removes-controversial-dei-rule-law-schools/>.

¹³ Sarah Parshall Perry, "From Courtrooms to Classrooms: The ABA's DEI Retreat Could Reshape Legal Education," *James G. Martin Center for Academic Renewal*, June 19, 2026, <https://jamesgmartin.center/2026/06/from-courtrooms-to-classrooms/>.

¹⁴ American Bar Association, *2025–2026 Standards and Rules of Procedure for Approval of Law Schools*, 23.

¹⁵ Perry, "From Courtrooms to Classrooms."

¹⁶ Zack Smith, *The American Bar Association's Discriminatory Continuing Legal Education "Diversity" Policy*, Heritage Foundation, Legal Memorandum No. 302 (June 1, 2022), <https://www.heritage.org/courts/report/the-american-bar-associations-discriminatory-continuing-legal-education-diversity>.

¹⁷ *In re Amendment to Rule Regulating the Fla. Bar* 6-10.3, 315 So. 3d 637 (Fla. 2021).

¹⁸ 600 U.S. 181 (2023).



PROTECT *the* PUBLIC'S TRUST

education admissions process.¹⁹ *SFA* was decided on June 29, 2023, yet later that same year the ABA published a course extolling the “importance” of promoting DEI, under the heading “Being an Activist in the Legal Field.”²⁰ Another ABA-sponsored course first published in 2025 offers advice on “how to future-proof your DEI strategy” and “identify actionable strategies to help companies withstand anti-DEI pressure.”²¹

The ABA’s Targeted Abuse of Its Accreditor Power

The ABA’s coercive measures to influence and control law schools over diversity issues are not new. In 2000, the ABA targeted George Mason University’s law school over its refusal to use racial preferences in admissions. There was a multi-year cycle of continuous pressure by the ABA, primarily in the form of numerous “action letters” requiring that certain action be taken before the school would be reaccredited. These letters “recommended” that George Mason lower its objective standards to admit more minority students. The letters held up renewal of the school’s accreditation until its diversity issues were resolved to the Committee’s satisfaction. The ABA threatened sanctions, including probation and even removal from the ABA’s list of approved law schools.²² This multi-year assault came despite GMU’s Dean noting that these very actions set students up for failure, as the students admitted under affirmative action policies had disproportionate rates of academic failure (strikingly, 45% for African-Americans as opposed to 4% for students of other races).²³

The U.S. Commission on Civil Rights found evidence a similar inquisition may have occurred at Ohio Northern University’s law school, which in 2021 received threatening letters from the ABA questioning its commitment to diversity and inclusion.²⁴

¹⁹ American Bar Association, “ABA Seeks to Continue Race as Factor in College Admissions,” *ABA News*, August 8, 2022, <https://www.americanbar.org/news/abanews/aba-news-archives/2022/08/aba-seeks-to-continue-race-as-factor/>.

²⁰ American Bar Association, “Course 79345,” *ABA Learning Center*, recorded October 24, 2023, <https://learningcenter.americanbar.org/courses/79345>.

²¹ American Bar Association, “Course 106297,” *ABA Learning Center*, recorded May 22, 2025, <https://learningcenter.americanbar.org/courses/106297>.

²² Gail Heriot and Peter Kirsanow, *Letter on Need for Legislation on Accreditation Abuses Submitted to Senator Bill Cassidy, Chair of the Senate Comm. on Health, Educ., Labor, & Pensions, by Two Members of the U.S. Comm’n on Civil Rights* (Feb. 18, 2025), San Diego Legal Studies Paper No. 25-007 <http://dx.doi.org/10.2139/ssrn.5157405>, quoting Daniel D. Polsby, Dean, George Mason Univ. Sch. of Law, *Letter to Hulet H. Askew, ABA Consultant on Legal Educ.* (Jan. 3, 2008).

²³ Heriot and Kirsanow, *Letter on Need for Legislation on Accreditation Abuses Submitted to Senator Bill Cassidy*, 14.

²⁴ *Ibid*, 15.



PROTECT *the* PUBLIC'S TRUST

This coercive behavior does not appear to be an isolated practice, as the ABA aggressively polices its membership on diversity issues. The Pacific Legal Foundation (PLF) obtained copies of 45 of the 50 best public law schools' accreditation reports from their most recent ABA site visits, occurring between 2014 and 2023. Twenty of the reports indicated failure to meet the ABA's diversity standards, many of which were preferences that functioned as illegal quotas on minority faculty or student representation.²⁵ PLF characterized its findings as demonstrating that "The ABA clearly uses its standards to pressure law schools to unconstitutionally or unlawfully adapt their policies and practices to achieve the ABA's diversity goals."²⁶

Ironically, the ABA's heavy-handed push for diversity encourages law schools to violate another of its accreditation standards, Standard 501, titled "Admissions." This standard requires that "a law school shall only admit applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar."²⁷

When it comes to receiving approval from the sole federally approved law school accreditor, compliance with the ABA's ideological demands is not optional and DEI reigns supreme, even at the cost of failing (literally) those "diverse" students who are admitted to schools beyond their qualifications.

ABA Accreditation Standards Raise Tuition and Limit Competition

Several of the ABA's accreditation requirements likely unnecessarily inflate the cost of law school (thereby reducing access) or serve the interests of its members without providing any significant educational benefit. Examples include requirements for extensive physical library collections in the digital age and mandating that full-time faculty (defined to exclude any professors who actively practice law full time) teach "substantially all" first year courses.²⁸ This last one is particularly ironic for a program designed to train legal professionals.

In a December 2025 letter to the Texas Supreme Court, the Directors of the Federal Trade Commission's Office of Policy Planning and Bureau of Competition jointly endorsed an effort to

²⁵ Caitlin Styrsky and Alison Somin, *Unconstitutional Accreditation Pressures Force Law Schools to Discriminate against Faculty and Students*, Research in Brief SR-983 (Arlington, VA: Pacific Legal Foundation, July 2025), <https://pacificlegal.org/wp-content/uploads/2025/07/SR-983-Styrsky-and-Somin-Research-in-Brief-Discrimination-and-Law-School-Accreditation-v1.pdf>.

²⁶ Ibid, 4.

²⁷ American Bar Association, *2025–2026 Standards and Rules of Procedure for Approval of Law Schools*, 37.

²⁸ Ibid, 34, 46.



PROTECT *the* PUBLIC'S TRUST

end the ABA's accreditation monopoly.²⁹ The letter stated that “the ABA's entrenched monopoly harms competition and consumers by mandating that every law school follow an expensive, elitist model of legal education... [and] they also inhibit the development and introduction of innovative new programs that could lower costs.”³⁰

The FTC made a compelling case for antitrust concerns, in that the ABA's practices can exclude market participants and thereby reduce competition.³¹ It further noted that “the ABA's Council governing law school accreditation is also controlled by higher education interests with an incentive to keep law school expensive and prevent the entry of more affordable law schools.”³² It highlighted that “the current rule likely prevents many potentially qualified lawyers from providing needed legal services to the Texas public”³³ and provided the historical context that “antitrust law has long recognized that professional boards and trade associations frequently have inherent incentives to undermine competition.”³⁴

The ABA's Targeting of Religious Institutions

After making allegations of religious discrimination by St. Thomas University College of Law, the ABA was forced to reverse course, withdrawing two noncompliance (with accreditation standards) notices. The ABA questioned whether students who did not share the official Catholic faith of St. Thomas would receive equal treatment on campus.³⁵

Concluding that the ABA itself was the one discriminating on the basis of religion, Florida Attorney General James Uthmeier stated that “the ABA determined STU Law was not in compliance with Standard 205(c)—suggesting that the school's (religious) values raised questions about whether student organizations with different views would be treated

²⁹ Federal Trade Commission, “FTC Staff Comment to Texas Supreme Court Regarding Proposed Amendment to Rule 1 of the Rules Governing Admission,” public statement, December 2, 2025, <https://www.ftc.gov/news-events/news/public-statements/ftc-staff-comment-texas-supreme-court-regarding-proposed-amendment-rule-1-rules-governing-admission>.

³⁰ Ibid.

³¹ Federal Trade Commission, *FTC Endorses Texas Supreme Court's Proposed Rule Change Eliminating ABA's Monopoly Control Over Bar Admission* (Washington, DC: Federal Trade Commission, December 2, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/12/ftc-endorses-texas-supreme-courts-proposed-rule-change-eliminating-abas-monopoly-control-over-bar>.

³² Ibid.

³³ Ibid.

³⁴ Federal Trade Commission, FTC Staff Comment to Texas Supreme Court Regarding Proposed Amendment to Rule 1 of the Rules Governing Admission.

³⁵ Matt Lamb, “ABA Accredits Catholic Law School After Pushback for Alleged Religious Discrimination,” *The College Fix*, February 13, 2025, <https://www.thecollegefix.com/aba-accredits-catholic-law-school-after-pushback-for-alleged-religious-discrimination/>.



appropriately.”³⁶ This is despite the fact that Section 205(c) permits schools to have “a religious affiliation or purpose and adopt[] and apply[] policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose.”³⁷

Federal law requires accrediting agencies to “consistently apply and enforce standards that respect the stated mission of the institution, including religious mission.”³⁸ Expanding on this principle, accrediting agencies may “not use as a negative factor the institution's religious mission-based policies, decisions, and practices.”³⁹ The noncompliance notices may also have violated the First Amendment’s guarantee of freedom of religion, as the ABA’s role as sole government-approved law school accreditor likely makes it a quasi-state actor in these circumstances.

The ABA’s Participation in Partisan Politics

The ABA’s partisan behavior is found in the context of judicial nominees, where its Standing Committee on the Federal Judiciary provides assessments of the professional qualifications of nominees to the federal bench. The ABA has long used its influence to undermine conservative judicial nominees by ranking them as less qualified than liberal ones, even when they have the same objective qualifications.⁴⁰ One study documented how the ABA has exhibited its bias by “systematically giving lower ratings to Republican circuit court nominees,” even noting that “the oldest Republican nominees, who will not be on the court for long, receive the highest ratings.”⁴¹

The ABA is also an active participant in the nation’s culture wars. It has filed amicus briefs with the Supreme Court that defend nationwide abortion, oppose Second Amendment rights, and support the most extreme transgender ideology.⁴² The organization supports a range

³⁶ James Uthmeier, “Post containing image of Letter to Chairman of the ABA Council Section of Legal Education and Admission to the Bar,” *X*, February 4, 2025.

³⁷ American Bar Association, *2025–2026 Standards and Rules of Procedure for Approval of Law Schools*, 33.

³⁸ 34 U.S.C. § 602.18(a).

³⁹ 34 U.S.C. § 602.18(b)(3).

⁴⁰ Giancarlo Canaparo and Zack Smith, *How to Break the American Bar Association’s Accreditation Monopoly*, Legal Memorandum No. 378 (Washington, DC: The Heritage Foundation, July 15, 2025), 1, citing to Thomas Jipping, Another Self-Inflicted Wound for the ABA, *National Review* (Oct. 30, 2019), <https://www.nationalreview.com/bench-memos/another-self-inflicted-wound-for-the-aba/> (collecting studies demonstrating the ABA’s systemic bias against conservative nominees).

⁴¹ John R. Lott, “What Does the American Bar Association Judicial Rating Really Measure?” *Public Choice*, Vol. 156, No. 1-2, 2013, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1443725.

⁴² Canaparo and Smith, *ABA Accreditation Monopoly*, 1-2.



of progressive criminal justice reforms, including eliminating cash bail and mandatory minimum sentences, and expanding “alternatives to incarceration.”⁴³

As one report observed, “the ABA is, of course, free to make itself an activist organization for the progressive wing of the Democratic Party, but having done so, it cannot be trusted to wield power fairly over the entire legal profession, which it seeks to do either directly or indirectly.”⁴⁴ That the ABA more often than not ends up on the losing side of these issues reinforces that it is ill-suited to serve as a neutral overseer of the nation’s legal academy.

The ABA’s Loss of Power in the States

Several states have already taken action to break the ABA’s monopoly on law school accreditation. In January, the Florida Supreme Court ended the ABA’s role as the sole law school accreditor in the state when it decided that its justices will determine the accreditation status of Florida’s law schools in the future. It reasoned that the “goal is to promote access to high-quality, affordable legal education in law schools that are committed to the free exchange of ideas and to the principle of nondiscrimination.”⁴⁵

As noted earlier, the Texas Supreme Court issued a similar ruling that law schools in Texas are no longer required to obtain ABA accreditation, and the Court would itself evaluate law schools using “ideologically neutral criteria,” with its approval alone sufficient for law school accreditation.⁴⁶ Alabama now allows some graduates from non-ABA approved law programs to sit for its bar exam.⁴⁷ Similar reviews are underway in Ohio and Tennessee.⁴⁸ Given this trend, a review on the federal level is warranted.

Conclusion

While the ABA has temporarily suspended the specific DEI accreditation requirements that directly conflict with the EO and the recent Supreme Court ruling in *Students for Fair*

⁴³ Defending Education, “AccreditED: American Bar Association,” April 16, 2026, <https://defendinged.org/investigations/accredited-american-bar-association/>.

⁴⁴ Ibid.

⁴⁵ Micaiah Bilger, “Florida, Texas Sever Ties with ABA Law School Accreditor amid DEI Concerns,” *The College Fix*, January 19, 2026, <https://www.thecollegefix.com/florida-texas-sever-ties-with-aba-law-school-accreditor-amid-dei-concerns/>.

⁴⁶ Ibid.

⁴⁷ Maria Lenin Laus, “Alabama Ends ABA Role in Lawyer Admissions Reform,” *JD Journal*, May 4, 2026, <https://www.jdjournal.com/2026/05/04/alabama-ends-aba-role-in-lawyer-admissions-reform/>.

⁴⁸ Ibid.



PROTECT *the* PUBLIC'S TRUST

Admissions, it is clear that discriminatory ideology is baked into the core of its guiding principles and could reemerge at any time. Beyond this, an organization with a lengthy track record of abusing its accreditation power to enforce ideological conformity, engaging in anti-competitive behavior that could violate antitrust law, and participating in partisan political behavior is ill-suited and unqualified to serve in such a crucial role as a neutral gatekeeper to the legal profession.

The ABA's accreditor status gives it the power to fundamentally shape the legal profession. The only solution to protect the nation's future lawyers and the legal system writ large is to end the ABA's law school accreditation authority.

At a minimum, this power should be suspended until such time as it fully separates its accreditation activities into an independent organization. The ABA can either be a participant in the political and culture wars or a neutral accreditor of law schools, but not both. At the end of the day, we must ask ourselves a simple question: has the ABA fairly and responsibly exercised its exclusive grant of federal accreditation power? The answer appears to be a resounding no.

Thank you for your attention to this matter and for your continued efforts to reform and improve America's educational system.

Sincerely,

Alexa Moutevelis
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Protect the Public's Trust