

Supreme Court guts affirmative action, effectively ending race-conscious admissions

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oral sessions with C. Hamard

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10 In a historic decision, the U.S. Supreme Court on Thursday effectively ended race-conscious admission programs at colleges and universities across the country. In a decision divided along ideological lines, the six-justice conservative supermajority invalidated admissions programs at Harvard and the University of North Carolina. The decision reverses decades of precedent upheld over the years by narrow Supreme Court majorities that included Republican-appointed justices. It ends the ability of colleges and universities — public and private — to consider race during admission process.

15 Chief Justice Roberts wrote: "Many universities have for too long concluded, wrongly, that the touchstone¹ of an individual's identity is not challenges bested², skills built, or lessons learned but the color of their skin," he wrote. "Our constitutional history does not tolerate that choice." Justice Clarence Thomas had a concurring opinion. "Thursday's decision," he wrote, "sees the universities' admissions policies for what they are: race-based preferences. ... Those policies fly in the face of our colorblind Constitution." As he has done before, Thomas, the second black justice appointed to the court, reiterated his long-held view that affirmative action imposes a stigma on minorities. "While I am painfully aware of the social and economic ravages which have befallen my race and all who suffer discrimination, I hold our enduring hope that this country will live up to its principles that ... all men are created equal, are equal citizens, and must be treated equally before the law." Roberts, for his part, pointed to the court's 2003 decision reaffirming the constitutionality of affirmative action programs, noting that Justice Sandra Day O'Connor, writing for the court at the time, had suggested that there would have to be an end at some future point. That time has now come, Roberts said.

Yet, there are opposing views.

30 "It feels tragic," said Columbia University President Bollinger, who has for 30 years been a leading proponent of affirmative action programs. That sentiment echoed Justice Sonia Sotomayor's dissent. "The Court subverts the constitutional guarantee of equal protection by further entrenching racial inequality in education, the very foundation of our democratic government and pluralistic society," she wrote. Justice Ketanji Brown Jackson, the court's first Black female justice, also chimed in, saying: "With obliviousness, today, the majority announces 'colorblindness for all' by legal fiat³. But deeming race irrelevant in law does not make it so in life."

40 Indeed, the reality is that in those places where affirmative action has been eliminated, there has been a severe drop in minority, and particularly, African American, admissions. Melissa Murray was the acting dean at the University of California Berkeley when a state referendum barred the use of race in college admission decisions. "There was an immediate drop off in the number of African American students that was both a confluence of the change in the admissions policy, but also African American students not wanting to go [to Berkeley] under those conditions," she said. "People don't want to be spotlighted. There is a kind of comfort in numbers." (510 words)

¹ Touchstone = reference point

² Challenges met / overcome

³ /'fiat/ a fiat = a decree