



## **Statement from UCLA Civil Rights Project on Today's Affirmative Action Ruling**

June 29, 2023

Today's ruling on affirmative action makes the Supreme Court's majority the nation's college admissions office and sharply reduces opportunities for students of color in the institutions that train America's leaders. The decision is a major step backward toward a more rigidly stratified society where Black, Latino, and Native students face seriously unequal opportunities and American leadership will become more segregated. It is a purely political decision, and one in which the Court has ignored legal precedent, research-based evidence, and the advice of leading civil rights groups. The Court has told American higher education that the only thing it cannot consider in admissions is the only thing that will sustain reasonable integration in our great universities. This is a day of shame for a nation that has made only stumbling steps toward racial equality. American colleges, educators and policymakers must do all they can to limit the harm that will surely ensue.

Today's Supreme Court decision rejects what the nation's colleges have learned in the last sixty years of affirmative action as well as precedents firmly established since the 1978 *Bakke* decision. It rejects the findings of decades of serious research showing the large benefits of diverse colleges for the education of all groups of students. That research proved that no workable, alternative methods exist to achieve significant campus diversity.

The ruling gives a huge victory to an anti-civil rights organization financed with dark money that tried and failed twice to make the same basic arguments rejected by the Supreme Court as recently as 2015. This is not law, not evidence, it is power gained by extremists. This same group played a central role in selecting the justices named by President Trump. Those appointments are the only major thing that changed as the Court made the voluntary efforts of most selective colleges unconstitutional.

The precedents favoring affirmative action were clear, and the facts of unequal opportunity only became more extreme in the pandemic as students of color fell further behind. Black and Latino students are concentrated in inadequate schools, segregated by race and poverty that prepare students unequally. This decision is essentially political—the result of the election of a president supported by a minority of U.S. voters, and the political manipulations in the U.S. Senate to steal a seat on the high court from President Obama and violate its own principles in seating another Justice just before an election. It is a political decision that severely damages a limited but very important policy that had taken a substantial step in integrating the leadership of America’s most important institutions and professions.

Since *Brown*, we have never gotten close to a place of equal opportunity, but it was much better than the long history of virtual exclusion of students of color from leading universities that persisted until affirmative action began in the 1960s. Today’s decision is reckless and dangerous to the future of a profoundly unequal society. It reflects a deeply polarized country and the determination of one group to eliminate important rights for groups of students who are the majority population in a great many regions of the United States.

When an extreme, anti-civil rights majority decided to eliminate many of the limited rights of Blacks in free states in the notorious Dredd Scott decision, Abraham Lincoln said that the law must be obeyed but that it was illegitimate, that the law was not settled, and that Americans should work very hard to change it. As professors who have seen the great success of students admitted through affirmative action and their contributions to our society, and witnessed how students learn a great deal from students of other backgrounds, we know today’s ruling will be perceived as a hostile act by many students and faculty of color. It will limit the hopes of students struggling in extremely segregated and unequal schools that do not offer a fair opportunity to prepare for college.

On a personal note, we are two of many who have worked for civil rights over the last sixty years. After the great victories of the 1960s in the civil rights laws and court decisions, we have witnessed the severe re-segregation of schools as the Supreme Court abandoned that effort, major blows to voting rights, the persistence of stark housing segregation, the vast

difference in family resources by income, a criminal justice system that has locked up millions of young people of color, and the re-emergence of openly racist national politics. The decision from this far-right Court foretells other reverses to come for the rights of young Black, Latino, and Native students.

In the face of this decision, American colleges and policymakers must do all they can to limit the harm that will surely ensue, most rapidly in the states which are hostile to civil rights on other dimensions. We must work hard to reverse the dramatically unequal preparation for college in our segregated, concentrated poverty high schools where there is often no workable path to college preparation. We must deal with the highly inadequate financial aid system that does not make it possible for many high-achieving students of color to go to college. Congress should give colleges and high schools major resources to address these issues. The experience in our nine states without affirmative action (before this decision) indicates that efforts recognizing some of the embedded dimensions of racial inequality have been small and inadequate. They must be considerably larger, and we need more private support for outreach and aid. It is time for a new agenda and serious discussion of providing the large resources needed to lessen, to the extent possible, the damage done today. In the longer run, those committed to racial equality must work to reverse this destructive decision.

The image shows two handwritten signatures in black ink. The signature on the left is for Gary Orfield, and the signature on the right is for Patricia Gándara. Both signatures are fluid and cursive.

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