

**AMERICAN ASSOCIATION OF
BLACKS IN HIGHER EDUCATION**



**A Collective Statement on the SCOTUS Decision
Regarding Race-Conscious College Admissions**

On July 10, 2023, the American Association of Blacks in Higher Education (AABHE) hosted a webinar to address the implications of the Supreme Court of the United States' ruling on June 29, 2023, against race-conscious college admissions effectively ending affirmative action. Representatives from various associations/ organizations were invited to offer insight about this disturbing outcome. Close to 350 academic, corporate, and government leaders were in virtual attendance and shared their perspectives about moving forward despite the decision. Representatives from the National Urban League, American Association of Hispanics in Higher Education, NAACP, 100 Black Men, UNCF, and a national expert in constitutional law served as the core panelists.

As a result, the representatives of these organizations are presenting a unified and comprehensive effort to educate communities about the meaning, scope, and impact of the decision; to provide direction as we anticipate future attacks on progressive efforts at inclusion; and to create a strategy that empowers all concerned parties to fully embrace the promise of diversity, equity, inclusion and a true sense of belonging.

Writing for the Court's 6-3 super-majority, Chief Justice Roberts concluded that the UNC and Harvard University's admissions process use of race was unconstitutional under the Fourteenth Amendment and Title VI. There must be a compelling reason for the use of race, as one of many factors, in a holistic admissions process, and both schools failed to satisfy that standard, specifically: there were no measurable objectives warranting the use of race and demonstrating the benefits of diversity; race was employed in a negative and stereotypical manner to Asian-American and white students and there was no meaningful stopping point for the use of race. "University programs must comply with strict scrutiny, they may never use race as a stereotype or negative, and—at some point—they must end." The Court noted that the primary purpose and objective of the Equal Protection Clause was "doing away with all governmentally imposed discrimination based on race." To the Court, there is no distinction between invidious state discrimination and affirmative action: "Eliminating racial discrimination means eliminating all of it."

While the Court's ruling does away with holistic review, with race as one of many factors, it nevertheless does not foreclose all consideration of race as the decision applies only to higher education not to diversity, equity, inclusion, and belonging initiatives, employment programs, minority contracting, and other policy initiatives that reference race. The decision should be interpreted narrowly so that we do not forestall or

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abandon legal and legitimate efforts at inclusion. Indeed, in the closing section of the opinion, Chief Justice Roberts says, “nothing in this opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration or otherwise.” This means that students must not alter their identities in writing about the entirety of their life experiences.

The key insights identified among the panelists and participants center on coalition building, and engaging in a strategic, coordinated, and multitiered approach moving forward. Finally, important themes emerged that resulted in immediate action steps:

1. Engage institutions/organizations to understand the decision and its impact
2. Engage institutions to develop strategies that will preserve diversity on their campuses
3. Identify and publicly acknowledge institutions that continue to embrace diversity, equity, inclusion, and belonging efforts regardless of the decision
4. Host 3-4 Town Halls to continue sharing information
5. Approach the Congressional Black Caucus
6. Congressional Hispanic Caucus to be consulted on policy direction

As members of the higher education and grassroots communities, we must remain vigilant. We must remain ready to mobilize and address the impact of this decision on racialized groups. More than ever, we must recommit to ensuring justice, equity, and inclusion in higher education. We will be ready to address how policymakers and institutional leaders respond to this decision. In the coming weeks it is likely that other action steps will emerge. We end this statement with an important message from one of the collective members: “The power of one and that power of one is when all of us come together and act as one. When that happens, we’re going to see some changes.” *Dr. Joseph H. Silver, Sr., President of Silver and Associates*

In solidarity,
American Association of Blacks in Higher Education
American Association of Hispanics in Higher Education
NAACP
100 Black Men
United Negro College Fund

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