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Response to Supreme Court's Affirmative Action Decision

The fate of affirmative action has officially been decided, with the U.S. Supreme Court ruling against the use of race in college admissions – deeming the admissions programs at both Harvard University in Massachusetts and the University of North Carolina at Chapel Hill unconstitutional.

The Supreme Court says colleges and universities can no longer take race into consideration as a specific basis for granting admission, a landmark decision overturning long-standing precedent that has benefited Black and Latino students in higher education. Chief Justice John Roberts wrote the opinion for the conservative majority, saying the Harvard and University of North Carolina admissions programs violated the Equal Protection Clause because they failed to offer “measurable” objectives to justify the use of race. He said the programs involve racial stereotyping and had no specific end point.

We, at MCCR, consider this to be a significant blow to diversity and inclusion and an absolute step backwards in the promotion of equity and opportunity for those who have most often been marginalized and excluded. Our nation’s future as a thriving multiracial democracy depends on students having the freedom and opportunity to learn, work together, and understand what unites us. The American Council on Education is quoted as saying:

[We believe that the education of virtually all students is enhanced in campus settings where the diversity of our society is represented. For many students, higher education represents the first and best chance to learn from diverse peers. In an increasingly interdependent global economy and society, America will suffer if its citizens are not prepared to live and work in multicultural settings.](#)

This decision against affirmative action is counter to our nation’s history, diminishing the lived experiences of people of color. This decision limits the ability of some Americans to equal access and perpetuates underrepresentation. The impact is not limited to education, but to meaningful participation in professional and leadership roles across society. Consistent with the ruling to suppress and limit women’s reproductive rights, and similar to the banning of books by Black and LGBTQ authors from school curricula, this is an ongoing attempt to undermine hard fought gains in the area of civil rights protections and to simply turn back the clock to a time of state sanctioned oppression.

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

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The Supreme Court's decision does not change the responsibility of colleges and universities to increase educational opportunities for students of color. The Supreme Court's majority opinion claims that the court was not expressly overturning prior cases authorizing race-based affirmative action and suggested that how race has affected an applicant's life can still be part of how their application is considered. MCCR encourages colleges and universities, (students, faculty and alumni) to discuss race and to include applicants lived experiences into the college admissions process. This abhorrent decision should not prevent colleges and universities from inquiring about these experiences in relation to their university's missions.

As the enforcement agency of Maryland's civil rights laws, the Maryland Commission on Civil Rights will continue to fight these and all other regressive civil rights policies. We are bolstered by our foundational commitment to opportunity, equity and inclusion.