

They will not replace us: The real Supreme Court ruling on affirmative action

Dear Hornet Community,

In 2011, a white nationalist French author, Renaud Camus disseminated through his book, "Le Grand Remplacement", the conspiracy theory that European populations were systematically being replaced by people of color or non-white people. You might ask, what does this have to do with the landmark ruling against Affirmative Action? Everything.

Yesterday's decision deserved at least 24 hours to process. If I would have responded immediately after the ruling was announced, I would have fallen prey to my visceral emotional reaction, rather than remaining a seeker of truth and strategic responsibility. I chose the latter.

The lawsuit brought to the Supreme Court by members of Students for Fair Admissions, which features Chinese-Canadian student, Calvin Yang, as the poster minority student against Affirmative Action is a classic play from the exploit people of color playbook. The same playbook was used in 1996, with California Proposition 209. This misguided law was championed by Ward Connerly, an African-American man and benefactor of Affirmative Action (then a UC Regent), who became the face of the law that prohibits race and gender as a consideration in state hiring, contracting, and California state university admissions.

The truth is that the Supreme Court's decision solidified the role of race in college admissions for persons of European descent, and legalized ignoring the historical and government sanctioned exclusion to college access and admissions of Black, Latiné/Hispanic, Native, and Asian groups, such as Pacific Islanders, Hmong, Laotians, Filipinos, Vietnamese, etc.

The truth is that the United States of America was, and is, founded on a history of race-conscious decisions and laws that legalized the: enslavement of Africans/African-Americans (1619-1863), Indian Removal Act (1830), Chinese Exclusion Act (1882), Immigration Act (1924), and the Undesirable Alien Act (1929), to name a few. These aforementioned unjust laws and acts were the reasons for the 14th Amendment's inclusion of equal protections from discrimination. It does not take a law degree to recognize the critical importance of historical context and the role systemic injustices have played in the racialized historic and predictable disparate outcomes we see today in education, employment, economics, healthcare, homeownership, and the list goes on.

The truth is, race-conscious and preference-based admissions exist, but not because of Affirmative Action. It exists because of legacy admissions. This is a process that is still used today in the United States of America and results in preferential admissions to "legacy students". What is legacy admission? Legacy admission is preference given by an institution or organization to certain applicants on the basis of their familiar relationship to alumni of that institution. Students who benefit from legacy admission make up 75% of research universities and nearly all of liberal arts colleges. When we think, historically, of foundations of higher education institutions within the U.S., which demographic group was allowed to apply to and attend college? White men of affluence.

The truth is, a 2005 analysis of 180,000 student records obtained from nineteen selective colleges and universities revealed that being a legacy student gave an almost 20% advantage over those who were not a legacy student (aka 1st generation college students). The study further found that "legacy students were deemed to be less qualified and less racially diverse, yet more economically beneficial to universities and more likely to donate to the university."

The truth is, six of the nine supreme court justices decided to maintain the status quo and legacy admissions: John G. Roberts, Jr. (Irish/Czech male and Harvard Grad), Clarence Thomas (Black male and Yale Grad), Samuel A. Alito, Jr. (Italian Immigrant male and Princeton Grad), Amy Coney Barrett (European female and Notre Dame Grad), Neil M. Gorsuch (European male and Harvard Grad), Brett M. Kavanaugh (Irish male and Yale Grad).

Three supreme court justices, all women, dissented the ruling and challenged this unjust decision: Elena Kagan (Russian/Jewish female and Princeton Grad), Sonia Sotomayor (Latina female and Princeton Grad), and Ketanji Brown Jackson (Black female and Harvard Grad). Supreme Court Justice Brown Jackson, makes her dissent clear in one bold sentence, stating, **"But deeming race irrelevant in law does not make it so in life."**

The truth is, European Americans/White individuals remain the majority in college admissions, in graduation, in leadership and decision-making positions. The truth is, Chinese individuals are adequately represented in colleges, when compared to the total population of Chinese individuals in the United States.

The goal of this Supreme Court ruling is to breed fear, maintain a white majority, and to handcuff practitioners for justice into doing the dirty work of making higher education elite again, exclusionary again, patriarchal again, sexist again, ableist again, homophobic again, and racist again. We cannot fall for it. We must strategize, mobilize, and galvanize those that are committed to equity and find ways to continue to provide equal access and close opportunity gaps.

So, in the face of continued injustice, what is our strategic responsibility?

As we continue our pursuits to become an antiracism and inclusive campus, it will be up to each of us to critically assess and make sense of events, ideas, patterns and trends, past and present, that interrupt our progress.

It will be up to us to build the esteem of our thirty-four percent 1st generation college students, our students of color, our immigrant students, and our students who are poor and basic needs insecure. It will be up to us to ensure that every student whose inherited life circumstances that created a barrier for them has that barrier removed. It will be up to us to partner with our TK-12 system to provide equal access and resources for satisfying "a-g" requirements.

It will be up to us, especially as an Anchor University, to provide historically marginalized students opportunities to build their leadership and community service portfolios. It will be up to us to take our time to write stellar letters of recommendations to colleges and universities, sharing how despite experiencing racial injustice, despite life circumstance which correlates to race, despite disadvantages like poverty, food insecurity, homelessness, non-legacy status, and immigration discrimination these students are qualified to access higher education and will transcend these life circumstances.

It will be up to us to read between the lines and color outside of the lines to ensure justice in our educational and admissions decisions. It will be up to us to act equitably as practitioners even when the law does not. Yes, the Supreme Court decided to do away with the ideals found in Affirmative Action laws. Yes, we will mourn the loss of the term Affirmative Action. Yet, we will give birth to equity-based practices, strategic, and intentional action that opens wide the doors of access. Our commitment to our students will not waver. We will stare directly in the face of adversity and say together, you will not replace (us) champions for justice.

In partnership,

Dr. Mia Settles-Tidwell
Vice President for Inclusive Excellence and University Diversity Officer

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