

Justice in America Today
By Michael Nabors

The United States Supreme Court decision on race admissions for Harvard and the University of North Carolina is the greatest setback to civil rights for Black people in America since before the signing of the Voting Rights and Civil Rights Acts of 1964 and 1965. The long road to equality and equity has seen significant progress. But the road trip was not nearly complete as a conservative Supreme Court voted 6-3 to nullify a fair playing ground for students in higher education. There is a dereliction of fair and impartial decision making when it comes to yesterday's decision. The conservative justices, prompted and supported by one political party is playing partisan politics as the nation's highest arbiters. The decision was sickening, distressing and a brutal kick in the stomach to all justice loving people of goodwill. At most it reeked of racism and if people are uncomfortable with such a complaint, the decision is at least rank with racial insensitivity.

Personally, I was more than repulsed by the supposed logic and historical interpretation of the Constitution of the United States. Part of the decision suggested there is nothing in our Constitution which called for race to be factored in to the process of admissions in institutions of higher education. Oh really? There was also nothing in the Constitution that called for the equality of women in every sector of society. There was also nothing in the Constitution which called for the dissolution of an end to slavery. There was nothing in the Constitution that spoke to ending the brutal genocide of Indigenous Americans. And yet the terms "progress", "revelation" and "evolution" combined to help our nation see the error of its ways.

This simply never seems to be the case for Black people in America. Once again, we have been shown how a great many of our fellow citizens feel about us. It has been made clear that the very nation which denied our access to education for centuries, wishes to simply wash its hands and absolve itself of its sins. Keep in mind yesterday's decision is also consistent with a fierce push back against critical race theory, the banning of books by black and brown (and some white) authors seeking to counter the nation's errant narrative on our history, a push for redistricting in areas around the country that weakens the voting bloc of minority groups and the constant widening wealth gap between whites and blacks.

I read with interest Northwestern President Schill's response to the decision that was released to the Northwestern community. The second paragraph of the president's response reads;

"I am deeply disappointed in the Supreme Court's decision. *While we will, of course, abide by the ruling*, I strongly disagree with the interpretation of the Constitution reflected in the majority opinion, a decision that will make it more difficult for Northwestern to achieve one of our imperatives — the promotion of diversity, inclusion and belonging on our campuses."

This message is quite consistent with dozens (maybe even hundreds) of other messages shared by college and university presidents around the nation. While I agree with much of what President Schill said, I must take issue with "While we will, of course, abide by the ruling...". This troubles me for at least three reasons. 1) To publicly acknowledge that you will abide by the ruling leaves out any opportunity to collaborate with other institutions to fight against an unjust ruling. 2) Abiding by the ruling sends the wrong message to black students and their families who often place themselves in unprecedented debt for an education at a prestigious institution. 3) Abiding by the decision leaves zero opportunity to strategize for a reversal of the ruling.

Probably more than half of America disagrees with the decision. For any institution to say it will abide by a decision it believes is wrong, weakens those of us who are now planning for its

defeat. History is a great teacher. Our nation had laws in place to support slavery, the genocide of indigenous Americans, the incarceration of Japanese Americans, discrimination against Chinese Americans and more. The same Supreme Court issued a sinful decision yesterday against some of the most vulnerable people in our nation, is practicing what the court has done in the past.

In 1857 the court's decision in the Dred Scott case held that African Americans, whether free or slaves, could not be considered American citizens.

In 1883 The Civil Rights cases decision, the supreme court struck down the Civil Rights Acts of 1875.

In 1896 the court's decision in Plessy v. Ferguson, the justices upheld state segregation laws creating a separate but equal environment in the United States.

In 1918 this same supreme court ruled that Congress could not ban child labor in intrastate commerce.

In 1944 the court's decision in Korematsu v. United States the justices upheld the internment of Japanese Americans in WWII.

Knowing the faulty and errant history of the United States Supreme Court, it is inconceivable to me that any institution of higher education would contend "we must abide by the ruling." It is the wrong ruling. It is laced with racism and partisan politics. Thus, colleges and universities must begin to work with black communities, their leaders and other allies to challenge this ruling. Because if we do not, the current conservative justices, with eyes wide open, will destroy this nation in its efforts to continue making it a playground for wealthy whites.

Illinois State President Teresa Haley has written,

The detrimental ruling will negatively impact Black students,

Colleges and universities will likely see a decrease in Black population while experiencing an increase in White and Asian populations,

Advocates and scholars point out that Students for Fair Admissions, the group that filed the lawsuit, assert Asian Americans face intentional discrimination in Harvard's Affirmative Action admissions process,

The rendered decision is an unfortunate outcome for Black students who are attempting to pursue a higher education,

In short, the staggering conclusion of a Supreme Court that is stacked with appointees from a racist president, has struck a knife blade into one of the aortas leading to the life pulse of higher education for African Americans.

But this is the thing- While the decision looks like it bring progress to a horrible end, we know Someone. Slavery did not stop our progress. Jim Crow, segregation and separate but equal did not stop our progress. Lynchings, burning our towns and cities did not stop our progress. Inequality in public education, horrible redlining and housing discrimination did not stop our progress. In spite of being among the the most suffering and oppressed people on earth- Black people have survived, flourished and we are here to stay.

We will work with renewed fervor towards another miracle to show that injustice- even on the highest court, will never win. Black, white, brown, Latin-American, Asian American, please use your voices to condemn this awful decision. Right always wins.