**(Un)Affirming Affirmative Action**

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The Supreme Court of the United States gutted Affirmative Action on Thursday. What’s Next-not only for the case and college admissions, but the broader conversation on conservative politics in America?

While it is completely disingenuous that we are having this conversation, it is an important one. On Thursday, the Supreme Court of the United States struck down a decade-old precedent, really giving students the power to note their race and their racial experience in college applications. Along with Roe, Obergefell, and other such landmark cases, Affirmative Action was one such issue that divided the court for decades and caused a seismic shift in how admissions offices look at applications. Whether it was State Colleges in the South, or Ivy Leagues in New England, each institution would carefully avoid the slippery slope of unconscious bias.

The case, brought forth by admission processes in two universities; Harvard and the University of North Carolina, was to decide whether the admissions programs violated the Equal Protection Clause, and eventually the 14th Amendment. The Court, with a 6-3 majority, found that the precedent was not viable with the Constitution and needed to be addressed by the highest federal court in the land.

The Majority included all 6 of the conservative judges on the court, who thought it was incumbent upon them to deliver their opinions with great grandiose. “Rudderless, race-based preferences designed to ensure a particular racial mix in their entering classes”-Of course these were the words of Justice Clarence Thomas, who has in the past taken similar, yet controversial stances on decisions that would go on to affect millions.

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The dissent was of the three liberals, all of whom are women, noting that the decision by their fellows was unbelievable. The strongest and most notable came from Justice Sonia Sotomayor. She argued that it made it easier for inequality to be a persistent problem in society, and it made it easier for folks to take into account the bias and harm done by individuals based on race and to ignore contributions made to society. Of course, this case was a major benefit to black and brown students who were otherwise disproportionately left out of the education system, something that had-again-been unconsciously built into the system.

“That indefensible reading of the Constitution is not grounded in law and subverts the Fourteenth Amendment’s guarantee of equal protection.”

Now, the case will be highly contested in the court of public opinion. Many Republicans, including those running for President, are celebrating the decision, saying it promoted a ‘fairer’ system. At least that’s how House and Senate Republicans would put it. They were instrumental in packing the court with conservatives and going against their own rule of not nominating supreme court Justices in an election year.

This all comes to the point of dysfunction in an already divided court. The court’s recent decisions haven’t come without controversy surrounding their troubled pasts. Justice Thomas, who was only the second African-American Supreme Court Justice, to be nominated with loads of contentious debate in 1991, seemed to have gotten himself into some trouble when ProPublica reporting came out earlier this year in April that the Justice had been on trips with his wife (another controversial Washington figure), that were funded by a conservative activist, Leonard Leo. Leonard Leo is the man who connected donors and cases in the Supreme Court and was the longtime chair of America’s federalist society. As an advocate for conservative causes, his ‘favours’ to Justice Thomas also included funding his nephew’s education. By the looks of it, that’s an ethics probe waiting to happen. However, neither the Chief Justice nor Congress took substantial action to penalize the Justice. In any other court or district, Attorneys would have a limit of accepting gifts from folks up to 25 dollars. This is a man who probably took more than 25000 dollars in favours from Leo. And so, the idea that the Supreme Court is the only federal court (and among state courts) to not have an ethical outline is simply ludicrous. Many would assume the Justices would know how the law works and what number of concessions and gifts would be acceptable as non-arbitrary. Though sadly, in the words of Justice Thomas, he just wasn’t sure and “was advised that this sort of personal hospitality from close personal friends, who did not have business before the Court, was not reportable.”

This rightward swing of the Court is not breaking news for those familiar with Washington. And if shooting down Roe, Affirmative Action, and threatening Casey v. PPFA, wasn’t enough, the court also struck down the Biden Administration’s student loan forgiveness plan, essentially giving financial aid, up to 10000 dollars, or 20000 dollars for Pell Grants. Congress and its constituents are furious over these hasty measures and the court’s latest moves, right before summer recess will not go unseen in the news for months to come.

Although it is yet to be seen if Democrats agree on unilaterally packing the court with liberal justices after the election, it’s important to note that this is a failure of Congress’s own making. Failing to agree on a codification, the legislative body is now set for more impactful decisions in the coming year, some even that could upend the modern copyright and parody infringement rules for decades.

Many are worried-however-that a 2024 election result could end up in the Supreme Court. And whether Trump is the nominee or not, the hateful and disturbing rhetoric coming from most of the GOP candidates could very well show a repeat of 2000, and how the Bush victory was shaped by a conservative majority on the court.

As the race for 2024 is starting to match the controversy and significance of 2016, there’s a much-needed debate about how America will go about electing-or at least considering-an individual who has been criminally indicted multiple times and has made little effort to refute the claims made by his adversaries. His adversaries, according to him, are the ‘swamp’, the ‘witch-hunters’, and the ‘radical left’, who are out to get him. He sees all these SCOTUS decisions as victories for him since he was responsible for half of the conservative justices who are on the court. And since the affirmative action decision, he’s been touting what he calls a greater America, that basically would roll back decades of progress just to hide his financial crimes-which may again one day end up in front of the Court.

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