



## OFFICIAL PRESS STATEMENT

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April 22, 2014

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# U.S. Supreme Court Moves to Turn Back Diversity and Access to Equal Opportunity for All Americans

Once again the U.S. Supreme Court, by a vote of 6 to 2, has moved to turn back the progress of our nation in the effort to provide equal access to opportunity, cultural diversity, and economic stability. Today's vote by the Court to uphold Michigan's Proposal 2, which prohibits affirmative action in government contracting, public education, and public employment, is a setback to all people who understand the need for a diverse and level playing field for the citizens of our state. For those who insist that we now live in a post racial society, therefore the struggle for equal opportunity is now over, please consider the following:

- The University of Michigan now has a black student enrollment of 4.8% down from 7.8% in 2004. This was following the commitment that was made in the 60s to the Black Action Movement and others for the University to maintain a 10% minority population.

The school to prison pipeline has increased substantially, by virtue of the number of minority students, black and latina, that now make up our prison system. This same Court has ruled to weaken the Voting Rights Act which served as a constitutional protection guaranteeing minorities the right to vote and with legal enforcement, if in fact these rights were violated. The ruling for Citizens United, which

allows individuals who are wealthy to contribute as much to the political campaign of individuals as their money can buy, threatens the very essence of our democracy.

We are now 50 years since the Great Society of President Lyndon Baines Johnson giving birth to the Voting Rights Act, Civil Rights Act, Fair Housing Act, equal opportunity to all of America's citizens, Medicaid, Medicare, priorities for pre-school and elementary education; all initiated to make America a better nation for all of its people. The Sixth Circuit is to be commended for its ruling regarding the striking down of Proposal 2 in which they stated very clearly "sons and daughters of alumni, children of big donors, are offered those non-merit considerations in the admissions process. Proposal 2 would require a minority student to convince the Michigan electorate to amend its Constitution, an extraordinary expensive process and the most arduous of all the possible channels for change."

It is interesting that in his opinion, Justice Anthony Kennedy said, "this case is not about how the debate about racial preferences should be resolved. It is about who may resolve it. There is no authority in the Constitution of the United States or in this Court's precedents for the Judiciary to set aside Michigan laws that commit this policy determination to the voters."

Justice Steven Breyer also said, "I continue to believe that the Constitution permits, though it does not require, the use of the kind of race-conscious programs that are now barred by the Michigan Constitution. But the U.S. Constitution foresees the ballot box, not the courts, as the normal instrument for resolving differences and debates about the merits for these programs." It is most curious then, that the state of Michigan through its Governor and its Legislators, can re-write laws in the dead of night which circumvent the will of Michigan voters and disregards the message of the ballot box in which nearly 53% of Michiganders voted that they did not want an emergency manager law, i.e. PA436, which is simply PA4 re-written.

It is import for the Supreme Court to remain “supreme”. This ruling today does not take our nation higher. It brings our nation lower to the abyss of classism, elitism, and privileged designated for a select few. Justice Sonya Sotomayor is indeed correct when she said in her opinion, “I firmly believe that our role as judges includes policing the process of self-government and stepping in when necessary to secure the constitutional guarantee of equal protection.” She further states that, “to change admissions policies on this one issue, a Michigan citizen must instead amend the Michigan Constitution. That is no small task.”

Today is not a cause for celebration. Today is a cause for continuous organization and mobilization for people who believe that equal opportunity and access cannot be left on life support gasping for breath from a conservative and visionless Court, which looks to the past as opposed to having a vision for the future.

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