



While the Supreme Court’s decision to end race conscious admissions policies in higher education contains certain attitudes and beliefs about the apparent needlessness of providing greater opportunities to groups who have suffered discrimination—a view wholly antithetical to our own—the American Descendants of Slavery (ADOS) Advocacy Foundation is encouraged by the Justices’ discussion of the differences in experience that make up the Black category, and how affirmative action policies have failed to make relevant distinctions between them.

As Justice Thomas writes in his opinion, “All racial groups are heterogeneous, and blacks are no exception—encompassing northerners and southerners, rich and poor, and recent immigrants and descendants of slaves.” Indeed it was that latter group, the descendants of slaves, for whom affirmative action policy was originally developed; to proffer assistance owing to what Lyndon Johnson referred to as the “heritage” of “centuries of oppression and persecution” that our group has suffered on American soil and which still today so profoundly constrains our access to the country’s myriad opportunities.

And so it is regrettable that the set of policies aimed at meliorating that distinct disadvantage have instead become applicable to any minority member, regardless of his or her connection to that baleful institution. As Justice Gorsuch writes, “‘Black or African American’ covers everyone from a descendant of enslaved persons who grew up poor in the rural South, to a first-generation child of wealthy Nigerian immigrants, to a Black-identifying applicant with multiracial ancestry whose family lives in a typical American suburb.” It is the relative disadvantage, conditioned by the lineage of the descendant of enslaved persons, that affirmative action is meant to help *overcome*. The effect of race-conscious policy today in a rapidly diversifying America, however, *undermines* that intent and denies us our particular identity and experience.

When asked for comment on the decision, Yvette Carnell, president and CEO of the ADOS Advocacy Foundation said, “For too long this country has been dishonest about which groups were most oppressed, for how long, as well as about the impact that oppression has had and continues to have on the descendants of chattel slavery.” She continued, “We see this decision by the Supreme Court as an opportunity to prosecute the case for specificity when it comes to who will benefit from policies that seek to offer measures of redress for slavery and its vestiges, both with particular respect to college admissions, as well as more broadly.”

Moving forward, the ADOS Advocacy Foundation remains ready to collaborate with policymakers, educational institutions, and employers to ensure that these policies are implemented with due consideration and that they fulfill the aim of helping break down the unique barriers created by the historic injustices of slavery and its legacy.