

Another Side of the Debate on Affirmative Action

Written by U.S. Rep. Yvette D. Clarke, D-NY
Thursday, 31 January 2013 12:27 -



On October 10, 2012, the Supreme Court heard oral arguments in *Fisher v. University of Texas at Austin*, a lawsuit about the constitutionality of the affirmative action programs in which colleges and universities consider the race of applicants in an effort to maintain diversity.

For several decades, the debate about affirmative action has been dominated by conservatives who have divided this nation by claiming that some people are "winners" and other people are "losers" under any such program. Generations of Republican politicians and their campaign managers have used the issue to develop resentment toward racial minorities.

We need to have other voices in the conversation - voices that explain the importance of affirmative action for every student and for our society as a whole. The leaders of our corporations, our institutions of higher education, and our military know from their experience the importance of diversity in our classrooms.

In 2003, the Supreme Court held in *Grutter v. Bollinger* that public colleges and universities could consider the race of applicants in selecting a class of students with the diversity to succeed in the modern world. A brief submitted to the Supreme Court by several large corporations explained that students could develop "the skills needed in today's increasingly global marketplace" only through interactions inside and outside the classroom with "widely diverse people, cultures, ideas, and viewpoints."

Leaders of our military, such as General Wesley Clark and former Secretary of Defense William Cohen, submitted a brief in *Grutter* which stated that the recruitment of a diverse class of

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officers at our nation's military academies, such as the U.S. Military Academy at West Point and the U.S. Naval Academy at Annapolis, was necessary to fulfill the military's "principle mission to provide national security".

For our leaders in business and the military, the benefits of affirmative action are obvious. To compete with students from around the world, our students must have the opportunity to interact with people whose experiences are different from their own. Students educated in classrooms that are diverse will have the resources - social and intellectual - to become full participants in our civil society and its economy.

But in *Fisher*, the Supreme Court has been asked to reexamine the determination that colleges and universities have the ability to consider the race of applicants, with several other factors, in admissions. This determination has been the law in the United States for more than 30 years.

A reversal of the Supreme Court's precedents on affirmative action would undermine the efforts of college administrators to select a class of students that has the ability - as a result of diversity - to excel in the world beyond the classroom. We must continue forward, not backward. As Justice Thurgood Marshall wrote, "Unless our children begin to learn together, there is little hope that our people will ever learn to live together."

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This article - the third of a 20-part series - is written in commemoration of the 50th Anniversary of the Lawyers' Committee for Civil Rights Under Law. The Lawyers' Committee is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and the resulting inequality of opportunity - work that continues to be vital today. For more information, please visit www.lawyerscommittee.org.

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