

# The Death of Affirmative Action Looms Near

Shôn Ellerton, July 7, 2023

*We are one step closer in eradicating the baneful existence of unfair, racist, and unconstitutional practice of affirmative action or positive discrimination.*



*"Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality." - Hirabayashi v. United States 1943*

The United States Supreme Court made one of its best decisions for 2023. Eradicating affirmative action for university admissions. Unfortunately, it had taken over ten years since cases were filed against universities for unfair discrimination to many who were denied admission based on being the wrong colour. Especially those of Asian descent as they have performed better academically overall than those who are not. The worst part though, is that the case should have been blindingly simple, because, under the Constitution, race should never be deemed as a deciding factor when it comes to deciding who should be admitted to university, or that matter, any job, or institution which requires merit. However, justice has finally been done; merit being at the forefront of who will be admitted and who should not.

What truly surprises me is how the Supreme Court has been regarded by so many not fully understanding what the Supreme Court is meant to be there for. The Supreme Court was created to defend the Constitution. Nothing more and nothing less, but it often gets horribly tangled up in politics. Perhaps a weak point or even an oversight, the nine justices of the Court are appointed by politicians, which somehow, doesn't seem entirely right in my view. The system is open for manipulating the Court by selecting justices based on narratives adopted by the

political party of the day. For example, the appointment of a justice based on sex and colour to fit the social narrative of upholding diversity, inclusion and equity is barmy to say the least. Or to make deference in selecting a justice based on some religious principle. Justices should be selected purely on merit, experience, wisdom, and having the most expert knowledge of the Constitution.

Thankfully, most of the justices made the right decision in abolishing affirmative action, but it is disquieting and disappointing to learn that two of them, being affiliated with the morally corrupt political party, made all attempts to overturn the decision. As so often when trying to defend a wrong position, like affirmative action, the two justices who decried the decision of the court wrote opinion pieces that were so utterly twisted and woolly constructed skirting around the tenets of the Constitution, relying on subjective hogwash statements, the most annoying of them all being so-called '*living experiences*'. Less than thirty percent of the Democrats supported the court's decision, including Biden, who expressed his disappointment and citing that this is a not a 'normal court'. On the other end, nearly eighty percent of Republicans voiced their support for the ruling. However, I dare say that most politicians are coaxed and coerced into saying the 'right' thing because polls suggest that the average American punter, according to [Pew Research](#), was actually a shade over fifty percent *more* in support for affirmative action if one takes away the third who were polled who were undecided.

And how did this happen?

It would be unfair to accuse the average person of making a flawed decision on such a ruling. If the decision of whether to abolish affirmative action was carried out by a referendum, the result may have been very different, but would this have been the right thing to do? Probably not. Britain's infamous Brexit referendum proved just that. And more recently, Australia is in the stages of a referendum whether to add an additional clause to its constitution to support a new agency or group to voice the concerns of indigenous peoples. The public, in general, are far more persuaded by the emotions of the press and the pressure of groupthink, rather than leafing through dry material such as legislative bills, acts, propositions, and state constitutions. In Britain, the decision to undergo Brexit, and all the complexity surrounding it, turned out to be a disaster. At least, for most of Britain's citizens.

The press has got a lot to answer for, but there is more to it than that. It comes down to our preconception of what demographic of people affirmative action is

targeting. The first thought for many would be that of the quintessential poor black student living in the undesirable area of town, or even that of a ghetto. And sure, I think most of us would consider it noble to assist those in such a predicament by affirmative action, but what is not often considered is at what cost. There are poor people from all races including those who are white; a good example being from Appalachia, a hilly region in the mid-eastern part of the United States once dominated by the coal industry. To suggest that a white person living in poverty and indigence in a dying industry town and having so-called 'white privilege' on his or her side is patently absurd. Certainly, for the person in question.

But not much is talked about regarding mixed races and Asians. Miscegenation, or mixing races, is far more common today than yesteryear. It was once even deemed taboo to even think about miscegenation, but it is embraced with open arms in most world cultures, especially so in the West. More arrestingly so, were those states that banned mixed marriages, an idea almost inconceivable today. The Supreme Court was instrumental in overturning this wretched system by banning states from enacting such unconstitutional laws through the [\*Loving vs Virginia case of 1967\*](#). And this is a good thing, because through progressive miscegenation, perhaps the notion of deciding anything to do with race or colour will become obsolete.

Back to the storyline, there have been several cases put forward by the Asian communities against the universities on grounds that Asian students are being discriminated against. More specifically, against Harvard and the University of North Carolina. There is no doubt that Asian students *have* been actively discriminated against. But one needs to ask why this is so. The answer is strikingly easy and obvious. Asian students, in general, tend to study harder than non-Asians. Not because of their colour or race, but because of their culture and upbringing. In case the reader is thinking about the Chinese, Korean, and Japanese communities, Asians also include Indians, Singaporeans, Malaysians, Vietnamese, and many others. Statistics are readily available and prove that Asians across the board score far higher in academic exams than non-Asians. There are, of course, other deciding factors on how students are selected, more of which is explained through the opinions of the justices during the [\*Students for Fair Admissions vs Harvard College of 2023\*](#) which is easily available on the Supreme Court website.

The case against Harvard was won over which marks a great moment in Supreme Court history and for the Constitution. I will be fascinated to learn what the future holds with respect to other existing systems which preach affirmative action.