

LEAD Fund President Wilcher Says the Supreme Court's Affirmative Action Case May Inspire the New Civil Rights Movement

LEAD Fund President Shirley J. Wilcher Says The Roberts Court's Warning "This Far You May Come and No Further" May Inspire the New Civil Rights Movement

WASHINGTON, DISTRICT OF COLUMBIA, UNITED STATES, July 9, 2023 /EINPresswire.com/ -- Shirley J. Wilcher, president and CEO of the Fund for Leadership, Equity, Access and [Diversity \(LEAD Fund\)](#), a national not-for-profit organization styled as a "Think and Do Tank," wrote an Opinion Editorial about the Supreme Court's recent [affirmative action](#) decision that invokes the late Harvard Law professor Derrick Bell who often invoked a bible passage "This Far and No Further." Despite the Supreme Court's recent decision, which set back diversity and inclusion policies in higher education admissions, she and the LEAD Fund strongly urge the nation's academic institutions to use creative strategies to prepare the next generation of leaders.



Shirley Wilcher

The LEAD Fund was established to provide thought leadership in promoting inclusive organizations and institutions through research and education on issues related to diversity, social responsibility, human and civil rights. A 501 (c) (3) charitable organization, the Fund complements the work of the American Association for Access, Equity

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Thanks to this Supreme Court, the new civil rights movement may have begun.”

*Shirley J. Wilcher, President
and CEO, LEAD Fund*

and Diversity (AAAED) through programs and activities that address a range of concerns including affirmative action, equal opportunity, equity, civil rights and diversity in education, employment, business and contracting. In 2022, the Fund joined AAAED in filing an amicus curiae brief in support of the universities' admissions programs.

In *Students for Fair Admissions Inc. v. President & Fellows of Harvard College* and *Students for Fair Admissions Inc. v.*

the University of North Carolina (SFFA) the Supreme Court ruled that both Harvard University and the University of North Carolina violated the Equal Protection Clause of the 14th Amendment and Title VI of the Civil Rights Act of 1964.

The Court argued that the 14th Amendment, enacted to overcome the vestiges of slavery, is color-blind and that the institutions failed to sustain the strict scrutiny test used by the Court because they failed to operate their race-based admissions programs in a manner that is “sufficiently measurable to permit judicial [review].” The Court also found that the race-conscious admissions programs operated as a “stereotype.”

Chief Justice John Roberts wrote: “College admissions are zero sum, and a benefit provided to some applicants but not to others necessarily advantages the former at the expense of the latter.” The Court also argued that these programs lacked a “logical endpoint.”

Regarding the Court’s decision Wilcher wrote: “One of the adages Professor Derrick Bell used in his constitutional law class at Harvard was the biblical passage found in Job 38:11: ‘This far and no further.’ What I believe Professor Bell was alluding to was not the power of the Almighty, but the determination that the privileged will always work to maintain the status quo.” She added, “This case is a declaration by the Court that diversity has its limits and thus far may it go to usher underrepresented students of color onto the pathway of leadership in America.”

Wilcher added that by stating college admissions is a “Zero sum” game, “the Chief Justice was suggesting that “if you add one Black student to the student body, you are taking away from White or Asian-American students, who collectively constitute a majority of the student body at Harvard.” “What he failed to acknowledge, however, is that by adding a privileged White son of a donor, you are taking away from talented Black or Hispanic students.” She also dismissed the claim that race-sensitive admissions constituted an act of stereotyping. “The “stereotyping” trope is also old and, in my view, is based on racial assumptions about the abilities of Black and Latino students. Moreover, one has to question whether beneficiaries of preferences for legacy admits, children of financial benefactors, et al., feel stereotyped or stigmatized. I think not.”

She concluded that if Professor Bell were alive today, he would say “I told you so.” “The Court was willing to overlook factors used by colleges to ensure that children of privileged families continue to have an advantage.” The only factor the Court had an issue with was race.

The Op-ed concluded with an aspirational statement: “Despite this blow to diversity in admissions, I believe the academic community will find solutions and the civil rights movement has not come to a close. Thanks to this Supreme Court, the new civil rights movement may have



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begun.”

To access Ms. Wilcher’s Op Ed, please go to: www.leadfund.org.

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