

THE CHRONICLE OF PHILANTHROPY

DIVERSITY, EQUITY, AND INCLUSION

What Nonprofit and Foundation Leaders Are Saying About the Supreme Court's Affirmative-Action Ruling

By *Alex Daniels*

JUNE 29, 2023



KENT NISHIMURA, LOS ANGELES TIMES, GETTY IMAGES

After the Supreme Court on Thursday ruled that Harvard and the University of North Carolina had taken a discriminatory and illegal approach by using race as a factor in admissions, many nonprofit and foundation leaders issued statements. Here is a sampling:

The ruling threatens to return this nation to a time when education and opportunity were reserved for a privileged class. It endangers 60 years of multiracial movements to challenge our nation to live up to the ideals enshrined in our founding documents.

Universities and colleges and those organizations supporting them deserve the resources and support to continue their critical mission. They need our resolve, too. Philanthropies are vital partners in our nation's progress. We will remain steadfast in our collective mission to create a more equitable nation within the bounds of the law.

— [Joint statement](#) by more than 52 foundations and organizations that represent grant makers. *Among the grant makers signing the statement: the Robert Wood Johnson Foundation, the Ford Foundation, the John D. and Catherine T. MacArthur Foundation, the Mellon Foundation, the Raikes Foundation and Omidyar Network. (MacArthur and Ford are [financial supporters](#) of the Chronicle.)*

The U.S. Supreme Court's decision that it is unconstitutional for colleges and universities to consider race during the admissions process will negatively impact many students of color, limiting their access to educational opportunities that create a path to a better living and a better life. Postsecondary education is a proven ladder out of poverty, a key to the middle class and better job opportunities, but the sad reality is that access to education has never been provided equally in America.

RELATED CONTENT



GOVERNMENT AND REGULATION

Supreme Court's Ruling Striking Down Race-Conscious College Admissions Could Have Sweeping Impact on Nonprofits and Philanthropy

GOVERNMENT AND REGULATION

Supreme Court Could Set Back Philanthropy's Racial-Diversity Efforts With Affirmative-Action Ruling

While the breadth and depth of the implications this decision will have on the field of higher education and beyond is not yet known, we will continue to work every day to create meaningful impact that narrows equity gaps and increases opportunity.

— Mark Suzman, CEO of the Bill & Melinda Gates Foundation

In issuing today's decision, the Supreme Court is ignoring the clear, persistent, and deeply ingrained inequities that define our educational system, which will only be exacerbated by barring higher education institutions' admissions offices from considering race and the history of racism in this country.

— Jocelyne Rainey, president of the Brooklyn Community Foundation

Building pathways to opportunity for disadvantaged individuals is a valiant effort that we all, and especially those in philanthropy, should be invested in. However, in our society today, the practice of systemically discriminating against some students in higher education to advance others based on their race or ethnicity does not advance the goal of creating a just society, and it is not an effective way to provide opportunity for those in need.

RECOMMENDED ARTICLES

DIVERSITY, EQUITY, AND INCLUSION

[Seeking to Curb Racial Bias in Medicine, Doris Duke Fund Awards \\$10 Million to Health Groups](#)

DIVERSITY, EQUITY, AND INCLUSION

[Groups Working on Reparations for Black Americans Get Boost From New Philanthropic Funding](#)

PUBLIC SAFETY

[Black Faith Groups Have Been Fighting Neighborhood Gun Violence for Decades. They're Finally Getting Support.](#)

The Roundtable hopes today's U.S. Supreme Court decision will be a catalyst for more innovative ideas and concrete resources that provide meaningful support to help people realize their full, unique potential, whether in or out of the classroom.

— **Christie Herrera, interim president of Philanthropy Roundtable**

While there are arguments that reversing affirmative action to enact a race-blind process is more grounded in equity, we know from our work in advocating for decent, affordable housing that it is crucial to acknowledge systemic barriers and biases. Creating race-neutral policies without addressing underlying inequities and racially exclusive practices only perpetuates inequity.

— **Jonathan Reckford, CEO of Habitat for Humanity International**

These rulings take away an important framework to address deeply rooted historic and systemic racism and are likely to remove bridges that have played a pivotal role in access to equitable opportunities. The work of forging new paths that lead to higher education and supporting students from diverse backgrounds at every step just became even more important.

In this defining moment, we remain steadfastly committed to the fight for racial equity and opportunity for all students. We will look to students, advocates, colleges and universities for their leadership on policies that

help more students of color access and be successful in higher education. The work of organizations fighting to ensure that all children, from early childhood through K-12 and beyond, have access to a high-quality education and equitable pathways to opportunity now takes on increasing urgency.

— **La June Montgomery Tabron, president, the W.K. Kellogg Foundation**

While these decisions focus on higher education, they could have [wider implications](#) for philanthropic giving, including collective-giving models like giving circles and community-led collaboratives, by preventing them from factoring racial diversity into their work.

The court's decisions overlook the harsh realities of systemic inequity faced by communities of color. We see this inequity in every sector, including philanthropy. In the U.S. [communities of color receive just 8 percent](#) of all philanthropic dollars. If the court's decision makes it more difficult to get money to communities of color, that meager 8 percent could dip even lower.

— **Sara Lomelin, CEO of Philanthropy Together**

The Supreme Court's decision against affirmative action is a fundamental decision against fairness, progress, and equity.

When Harvard and other schools excluded people based on race for over 300 years, that lost opportunity, social networking, knowledge, and wealth were immeasurable inequity. Harvard built hundreds of years of all-white 'legacy families' who are still given preferential admissions because of that racial legacy but Harvard has just been told that they can no longer counterbalance their racial bias for white people.

The ruling on education will be used by those who have always opposed racial-equity policies to push Black and brown people out of things they have earned in every facet of the economy such as hiring, housing, lending, and learning.

The most disturbing facet of this is that those opponents will make the logical argument that eliminating race as a conscious factor is just being "fair" because no one should be privileged by their race.

If you oppose racial preferences then pay Black and all people what they've earned, assess their properties the same, lend them what they qualify for, grant them what you grant the white-run shops, enforce all laws with compassion, make sure that everyone can vote, and teach the history of all people's contributions to this country rather than only centering the white history.

— **Trabian Shorters, CEO of BME Community.** (*Shorters is chairman of the [Chronicle of Philanthropy](#) board.*)

Affirmative action has opened the doors to opportunity and socioeconomic mobility for communities that have historically been shut out of higher education because of their race, ethnicity, income, or identity. Race-conscious remedies for discrimination are grounded in the Constitution and nearly 50 years of Supreme Court precedent.

These rulings represent a radical assault on these traditions by a far-right majority on the court.

Despite this setback, we will continue to work together with our grantees, partners, and allies to ensure that all students have access to quality education, with the knowledge that when everyone has access — whatever their color or heritage — we all benefit.

— **Open Society Foundations** (*Open Society is a [financial supporter](#) of the Chronicle.*)

Through a tortured interpretation of the law, history, and current-day reality, today's decision threatens to make higher education less accessible, less equitable, and less attainable for students of color.

While seemingly leaving existing precedent undisturbed, the majority's logic will make it more difficult for all students to have a fair shot at getting the quality education they deserve, especially America's most marginalized students. This court is clearly on the wrong side of history.

— **Damon Hewitt, executive director of the Lawyers' Committee for Civil Rights Under Law**

The court's legal conclusions cannot obscure the demonstrable benefits of diverse classrooms to student learning and to the preparation of leaders, innovators, and civic participants who build bridges across this multiracial, multi-ethnic nation. Study after study has shown the benefits of diversity across industries, intellectual fields, public and private organizations, and the work force.

Affirmative action has played a crucial role in leveling the playing field for underrepresented groups, breaking down systemic barriers, and creating opportunities for individuals who have faced generations of discrimination and exclusion. ... Our commitment to the pursuit of racial and ethnic equity in compliance with the law is unwavering. We will continue to work with our grantees, foundation peers, and philanthropic partners to ensure that justice is served.

— **John Palfrey, president of the John D. and Catherine T. MacArthur Foundation.** (*The MacArthur Foundation is a [financial supporter](#) of the Chronicle.*)

This decision goes beyond gutting the admissions process — it threatens future opportunities for leaders of color.

Data demonstrate the negative impact eliminating affirmative action will have on student diversity. Those aren't just numbers. They represent people — young people striving against systemic injustices that pre-date them by decades, even centuries.

Those who say that we are or ever have been a color-blind meritocracy are either unaware of history or lost in the depths of their cynicism. This ruling can have but one likely conclusion — fewer opportunities for students of color and more obstacles for leaders of color in our future.

That's a loss for all of us. More equitable workplaces have positive impacts on workplace productivity and workplace cultures, and better reflect the full spectrum of our communities. This ruling also opens the door for challenges to diversity, equity and inclusion and ESG programs that have brought vitally needed changes to workplaces and institutions across the country.

— **The Boston Foundation**

We welcome your thoughts and questions about this article. Please [email the editors](#) or [submit a letter](#) for publication.

DIVERSITY, EQUITY, AND INCLUSION



Alex Daniels

Before joining the *Chronicle* in 2013, Alex covered Congress and national politics for the *Arkansas Democrat-Gazette*. He covered the 2008 and 2012 presidential campaigns and reported extensively about Walmart Stores for the Little Rock paper.

TRENDING ARTICLES

OPINION

[Why I Stopped Donating to Your Organization](#)

GOVERNMENT AND REGULATION

[Supreme Court's Ruling Striking Down Race-Conscious College Admissions Could Have Sweeping Impact on Nonprofits and Philanthropy](#)

GOVERNMENT AND REGULATION

Supreme Court Could Set Back Philanthropy's Racial-Diversity Efforts With Affirmative-Action Ruling

Recommended Webinars for You



How to Attract Legacy Gifts

Help ensure your nonprofit's future by learning how to better integrate planned giving into your fundraising appeals and other donor communication

[Register Now](#)



How to Convey Impact to Donors in Times of Change

Learn from foundation decision makers how to build a case for support despite uncertainty and communicate results that inspire confidence in

[Watch On Demand](#)



1255 23rd Street, N.W. Washington, D.C. 20037
 © 2023 The Chronicle of Philanthropy