

# Repeal of Affirmative Action Is Only the Beginning

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Let's be honest about the painful reality: America has functioned as a full democracy — guaranteeing the franchise to all — for less than one human lifetime. In practice, our democracy is younger than me.

I was born in 1959, into an America rived by apartheid. When I was a child, the adults in my life were technically eligible to vote. However, in the Louisiana and Texas towns where I grew up, they were prevented from doing so by the social and cultural norms of the American South.

During the first two decades of my life, the American people finally acknowledged this truth and, to borrow a phrase, acted affirmatively to address it. A new generation of American founders mobilized into a great, multiracial movement, challenged our nation to live up to its ideals and initiated a national construction project on the foundation of the Constitution's 14th Amendment (which was violated with impunity for an entire century after the nation ratified it).

In [the Court's majority opinion](#), Chief Justice John Roberts held that "eliminating racial discrimination means eliminating all of it"—a new version of [his old affront](#) that "the way to stop discrimination on the basis of race is to stop discriminating on the basis of race."

This glib framing, and the school of thinking it represents, established a pernicious, false moral equivalence. Those who preserved and protected Jim Crow — the institution that defended America's old racial hierarchy — were and are something altogether different from those who fought and who continue fighting for a more just America.

For me, this is no abstraction. I attended small-town Texas schools roiled by desegregation.

In grade school, I saw the vestiges of Jim Crow firsthand: the dilapidated old Negro facilities, the hanging tree adjacent to the courthouse, the swimming pool closed and filled with concrete in response to court-ordered desegregation.

And then, throughout my childhood, government and other institutions acted affirmatively to change. They began to redress the hypocrisy and harm,

reckoning with the countless ways that they had protected power and privilege for some at the expense of others. From the wreckage of a lost century, they began building with laws and policies a more American United States.

I was a beneficiary when President Lyndon Johnson and his administration created a program called Head Start; when he signed the Civil Rights Act into law on July 2, before my fifth birthday; when he signed the Voting Rights Act into law a year later, enabling my mother and millions of people like her to vote for the first time in their lives.

I was a beneficiary when the University of Texas, my alma mater, also acted affirmatively to recruit, admit and retain Black and Latino students, whereas it previously excluded us for the entirety of the institution's existence.

I was a beneficiary because the firms and foundations that shaped my career embraced this obligation, to make right what their predecessors had done wrong, to open doors they had closed.

Those uprooting affirmative action seem content to leave intact systems that compound privilege, exacerbating inequality — like legacy admissions policies that [disproportionately favor](#) wealthy, white applicants — resulting in lower-income students and families of all races losing out.

The court's decision also opens the door to numerous legal challenges of diversity programs across government, business and civil society — programs explicitly designed to mitigate what Justice Thurgood Marshall [called](#) a “legacy of discrimination” beyond the college campus.

I find it regrettable that, over 40 years ago, Justice Lewis Powell [introduced](#) the American public to the imperative of diversity in the shallow manner that he did.

I was a freshman in college when his seminal opinion in Regents of the

University of California v. Bakke (1978) invited some to equate the benefits of diversity with unfairness. Since then I have heard the recriminations of Justice Powell's argument in cloaked conversations — in the idea that necessary diversity initiatives are somehow reverse discrimination or that they correlate with lower standards or lesser outcomes.

The data suggests exactly the opposite. Study after study demonstrates that, across organizations, diversity enhances [critical thinking, creativity and collaboration](#), as well as productivity, profitability and [performance](#). It is a national tragedy that diversity is now a contested issue rather than a common interest.

And we should tell the truth about why diversity is now controversial: Opponents of diversity are opponents of any racial consciousness. They want to prevent us from understanding the ways that the past informs the present, from wrestling with the fullness and richness and complexity of our history.

Indeed, they wish to impose an ahistoric mythology on the American people that makes it harder, if not outright impossible, to address the many ways that Black and white still live in separate and unequal Americas.

We still live in [an increasingly segregated society](#) — and we see it in [our classrooms](#) and [our neighborhoods](#) and [our workplaces](#) and our [criminal justice system](#). [Statistic after statistic](#) maintains the same burning truth.

The America that I know is better than this. We are bigger than this. We are stronger than this.

America is still courageous enough to acknowledge our failings and the reasons for our failings. And we still can be united enough to address them — to act affirmatively, once again, to extend the blessings of freedom and opportunity and justice to all.

For our part in philanthropy, we cannot be dissuaded or deterred. We must remain steadfast in our missions to narrow inequalities, to defend human dignity and human rights and to promote democratic values and institutions at home and abroad.

And for all of us, as Americans, we must fulfill our responsibilities as well. As we approach the 250th anniversary of our founding, we must redeclare that we all are created equal, endowed with equally inalienable rights, and recommit ourselves to realizing these values. We must rededicate ourselves to what President Abraham Lincoln called “the unfinished work” of building the pluralist democracy to which we all aspire.

I believe fiercely in the promise of America. My love for this nation is unyielding and unwavering.

As Americans, we have a charge to keep, a beacon to keep alight, especially now, as minoritarian tyranny has taken hold of our institutions. It is systematically dismantling the scaffolding from which we built our democracy, without any clear sense of what will replace it. For some, perhaps, the objective is not to replace it at all.

In this new era of deconstruction, we must summon renewed fortitude, resilience and vigilance, with reverence for those who came before us and resolve for those who follow. This will require patriotic defiance, with respect for the rule of law but with fidelity to the ideals that precede it.

With hope, let us rejoin and rebuild, until America is America and the unfinished is complete.

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