

Supreme Court Ends Affirmative Action – Where We Go From Here



By Steven Yates

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When I learned last Thursday that the U.S. Supreme Court had ruled 6–3 against affirmative action programs in higher education based on two suits, one at Harvard and the other at the University of North Carolina, I honestly didn't know what to think.

After all, I joined this fight at the start of the 1990s. While I wasn't a party to any legal action, I penned a widely-circulated major article [here](#), which looks to have been “boosted” following the decision. The article brought down on me the wrath of both black students and a couple of black faculty members, giving me insight into their feelings-based worldview.

I also wrote a [book](#), published in 1994, reasonably well-received everywhere except academia where it was “indexed” in a few major universities. Even then, academia was inclining toward censorship. A few years later, [this](#).^{*} Part of my argument was that political correctness and what soon became known as cultural Marxism had definite ties to the perceived need to delegitimize criticisms of affirmative action that were then appearing. My career, though, was dead in the water. I found myself essentially blacklisted. After 1995, I never taught full-time again.

My case against affirmative action joined with others, the best and most extensive of which came from economist and prolific author Thomas Sowell, that affirmative action only aggravated the problems its overly idealistic architects back in the 1960s said they wanted to solve, many of them the problems of discrimination itself. It had replaced discrimination against blacks and women with discrimination against white men, mostly those seeking employment. We were portrayed as motivated by residual racism and sexism. Cultural Marxist groups such as the Southern Poverty Law Center piled on, further indexing some of us (somehow I dodged that bullet), contending that the country was seeing an upsurge of "right-wing" resentment.

But, as Sowell had documented, whenever there is widespread realization that one or more groups are receiving government-sponsored favors at the expense of other groups, tensions between the favored and the disfavored rise. They worsen until they threaten to explode into violence. Sowell documented many cases on a worldwide scale, also showing that discrimination *per se* need not be a barrier to a group's advancement (it has never held back Jews, for example).

Meanwhile, affirmative action failed to benefit the majority of those in favored groups. It is common knowledge that most of its actual beneficiaries were white women. The black community gradually went into a tailspin: into a "left-liberal welfare plantation," if you will.

The rates of crime and horrid public schools in black-dominated cities testify abundantly to the utter failure of over fifty years of affirmative action in America.

If anything, I'm annoyed, therefore, because the Supremes should have had the gumption to make this kind of decision long ago. Today, of course, we have six conservatives in Clarence Thomas, Brett Kavanaugh, Samuel Alito, Neil Gorsuch, and Amy Conant Bryant, with John Roberts who wrote the

majority opinion, holding that race-conscious admissions violate the equal protection clause in the 14th Amendment. This should be obvious. Had no previous Court noticed?

Arch-leftists Sonia Sotomayor and Elena Kagan dissented, of course. Leftist Ketanji Brown Jackson – the Bidenista appointee who couldn't define *woman* for the Senate Judiciary Committee – recused herself from the Harvard case as she has ties to Harvard, but penned a dissent regarding the North Carolina case.

Given the current environment, no one in his right mind thinks one Supreme Court decision is going to put this to bed. The cultural left is simply too strong for that. Among my warnings was that political correctness would spread from academia and law schools to every major institution in the country. It has done just this. The woke mindset which evolved from political correctness now dominates corporations from Big Tech to Hollywood, has infiltrated mainstream religious denominations, and been felt in the military (e.g., Gen. Mark Milley's wanting to understand "white rage").

California governor Gavin Newsom (whom many of us are watching as a possible replacement for the increasingly enfeebled Joe Biden between now and November 2024**) has already warned that ending affirmative action will result in falling black enrollment rates at major universities.

He's probably right, not seeing the results in his own state as still more testimony that affirmative action has failed miserably, and that the worldview behind it fails.

Thus we'll see more lawsuits, and possible legislation able to reverse such decisions, once the Democrat Party again controls Congress (not unimaginable in 2025).

The failures of blacks in particular to make significant advances in American society outside athletics and mass

entertainment will continue to be blamed on “systemic racism,” that academic creation of critical race theory (which also originated in the 1990s), not on failed left-liberal policies such as affirmative action, and on the broader and much older disaster known as [public education](#). “White privilege” cannot explain how Asians have succeeded in America despite facing the same barriers other ethnic minorities have faced. They, too, began to chafe at policies that increasingly excluded them—because cultural Marxism doesn’t target whites as such, it targets the *successful*. Many Hispanics have also succeeded despite hostility from some whites including the previous president of the U.S.

Diversity, Equity, and Inclusion (DEI) has accomplished little more than rationalizing black (and left-liberal) failure. *Diversity* certainly doesn’t mean *intellectual* diversity; what we have seen for over thirty years now is a march leftward – easy once conservative intellectuals are kicked out and rendered almost extinct! *Equity*, moreover, is not *equality*, either economically or as equal treatment under the law; embedded in the term is the Marxian call for a total restructuring to eliminate “systemic racism.” *Inclusion*, finally, does not include whites – or Asians or successful Hispanics or Jews who aren’t billionaires.

DEI, in short, is a pseudo-intellectual cult, and a commentary on the freefall that American academic has experienced at least since the 1990s (probably much longer), leading to present circumstances where you can be any “gender” you like, and people with PhDs cannot define what it means, biologically, to be male or female.

DEI will also prove extremely difficult to dislodge from American culture in its present state.

There *is* something my book and essays got wrong at least by implication, therefore, and I’ve had less trouble facing this over time. The Libertarian in me, back in the day, blithely

assumed that when presented with rational, evidence-based argumentation based on literally overwhelming evidence, the public if not academic authorities would respond. They would demand an end to what was manifestly causing far more problems than it was solving. Blacks in particular would wake up out of their left-liberal collective slumber and realize that neither the federal government nor the sprawling entertainment industry are their friends.

But if people responded rationally to evidence – or absence of it – then no one would have countenanced replacing discrimination against blacks and women with discrimination against white men, Asians, and other success stories.

We'd never have been in this mess.

If people responded to evidence – or its absence – then *gender ideology* would never have caught on with supposedly intelligent people, much less become a dominant force in psychiatry and academic pseudo-subjects like “gender studies.”

Gender ideology posits a “social construct,” *gender*, differing from biological sex and supervening over it so that it conditions how different “genders” see the world. It also opens doors to what we now see: “transitioning” and “gender affirming care” as part and parcel of transgenderism, arguably now a bigger danger to impressionable (and naturally curious!) children than sex-ed ever thought of being!

I am continually amused when journalistic skills in dominant corporate media (e.g., The Washington Post, CNN, MSNBC, Yahoo News, etc.) pen something along the lines of “Putin [or Trump or whoever they want to demonize that day] *asserted without evidence* that ...” as if they truly cared about *real* evidence and were doing more than delegitimizing the person and whatever he/she was claiming.

You can point to reams of evidence of the corruption of Big Pharma – how multibillion dollar pharmaceutical corporations

place money ahead of health and even lives, and how they are protected by American courts by indemnity from lawsuits for the harm done by their products. Read the latest outrage [here](#).

These are the outfits we peasants were supposed to trust regarding mRNA “vaccines” for covid-19(84). Tens of thousands of people have keeled over after receiving these shots, some of them visible athletes. Millions, moreover, have gotten the shots and got covid anyway. None of this has mattered. The official narrative, that the shots are “safe and effective,” has held.

I was wrong in assuming that people decide political-economic beliefs on evidence. Not even Republicans respond to *real* evidence. If they did, then Dr. Ron Paul would have been the leading candidate for the presidency back in 2008; or surely in 2012. (Listen to [his farewell speech](#) on the occasion of his retirement in 2013 and tell me that Dr. Paul wasn't the leading voice of reason in the American political system.)

What I've learned over the course of almost thirty years of investigation, nearly all of it on my own, is that you can present reams of evidence for the existence of a globalist superelite – a small minority of would-be philosopher kings in the World Economic Forum and elsewhere who believe themselves fit to dominate the world economically and technologically. You can teach yourself to follow money trails such as the hundreds of millions funneled to the Wuhan lab – and *still* be dismissed as a “conspiracy theorist.”

You can point out that the CIA weaponized the phrase *conspiracy theory* back in the 1960s to circumvent doubts about the official story of the JFK assassination, and it falls on deaf ears.

Very basic beliefs are accepted emotionally, not rationally. We Christians believe in a God who ordered the universe and created us because we are more “at home” psychologically in

such a universe. I am not so delusional as to think I can prove God's existence with logic or supposed evidence from design. This has been the folly of theistic philosophers (except for a few figures like Kierkegaard) for centuries.

Materialists, for whatever reason, feel more "at home" in a universe without such a Being – probably because it frees them from the sense of responsibility to moral rules set by such a Being and allows them to be as hedonistic as they please. They want a world in which they answer only to themselves or each other. I can point out the consequences of materialism in the secular world, and this, too, fall on deaf ears.

Marxism is a worldview, a species of materialism. It posits that the fundamental forces in reality and history are dialectical, not mechanistic; that history is the outworking of violent clashes between "masters" and "bondservants" (or "slaves") which Marx thought would end only when the process (led by his "enlightened" minions) established perfect Communism.

I should perhaps note that the above-mentioned would-be philosopher kings – superelites, Globocorp, whatever label you use for them – don't care about any of this. Power has no ideology as such. Superelites have no interest in the fate of American blacks ... nor that of homosexuals nor supposed transgenders.

The last thing they want are educated populations capable of critical, fact-based thinking. Much of the history of public "education" is a history of efforts to quash intellectual independence and curiosity, in favor of docility, conformity, acceptance of one's status as a peasant, and bowing before the judgments of one's superiors, the "experts."

Returning to the matter at hand: I am therefore gloomy about anyone giving up DEI, affirmative action, or the cultural Marxist worldview more generally, even if this Supreme Court

decision is a step in the right direction. Leftists are turning attention to what they think of as the “affirmative action” of legacy admissions, i.e., mediocre students getting into Harvard because daddy went and gave millions of jack to the school. I’m not sure attention on legacy admissions is such a bad thing. It might open doors to criticisms of the plutocratic oligarchy that really runs the country on behalf of the global would-be philosopher kings.

My recommendation remains, therefore: separate, rather than urge reforms (as I once did). There is little point in continuing to argue with these people. Instead, build *parallel institutions*: private universities even if unaccredited; private academies for children and teenagers which whets rather than stifles their natural curiosity; autonomous communities where their elders of whatever ethnicity can deal with one another and solve common problems peacefully. Continue with alternative media and independent publishing platforms, for those of us conscious of what gets results and builds successful families, communities, and lives; versus those things presently taking us down the path to global-level destruction.

*This is not the original, which appeared on LewRockwell.com and is long gone, a casualty of my falling out with Libertarian circles during the 2000 decade over Libertarian tendencies to condemn institutions of government while maintaining dead silence as global corporations ran increasingly wild.

**Joe Biden recently asserted, [“Vladimir Putin is increasingly losing the war in Iraq.”](#) The man literally cannot speak a coherent sentence without a teleprompter, and sometimes ends quotes from others actually saying “end of quote.”

This article originally appeared on the author’s [Substack](#).

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Steven Yates's latest book *What Should Philosophy Do? A Theory* (2021) is available [here](#) and [here](#). His earlier *Four Cardinal Errors: Reasons for the Decline of the American Republic* (2011) is available [here](#).

While admittedly the real world can be scary enough, he has also written a novel of cosmic horror. *The Shadow Over Sarnath* will be published on October 31, 2023. To learn more, shoot me an email.