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**RE: June 2023 Supreme Court Affirmative Action Decision**

Dear \_\_\_\_\_,

By now, you’ve received analysis of the June 2023 U.S. Supreme Court (SCOTUS) majority opinion that admissions decisions at colleges/universities cannot be “race based.” The Black American descendants of U.S. slaves, former slaves of Native American tribes, and free Negroes (Freedmen) are pleased that this 2023 SCOTUS decision brings the United States, and its institutions, closer to the original intent of the post-civil war 14<sup>th</sup> amendment, Freedmen civil rights acts of the 1860’s, and Negro-driven affirmative actions of the 1960’s civil rights movement. The California reparations taskforce has established a first-of-kind litmus to identify descendants of U.S. slaves (Freedmen) as a Black American who can provide vital records proving a maternal and/or paternal Black American (Negro) direct bloodline ancestor born in the United States prior to 1924. As you know, historians largely frame 1960’s Affirmative Action as a response to Negroes’ sustained resistance to the unconstitutional Jim Crow era that began after the sabotage of Reconstruction (via the Compromise of 1877) and lasted through May 17, 1954, when the Supreme Court of the United States finally overturned the 1896 Plessy v Ferguson SCOTUS opinion that sunk the nation into ‘separate but equal’ racial segregation between White Americans and America’s newly freed people. The Plessy decision restarted a pattern of U.S. policies and practices that again disenfranchised the nation’s American Negro Freedmen who had completed only *one generation* of emancipation after five-plus generations of chattel slavery under U.S. jurisdiction. Some nearly 100 years later, the ‘Affirmative Action’ executive order of John F. Kennedy (1960) was supposed to restart the journey of correcting the losses from all previous generations of economic and educational injury. But as you know, from the moment our families began to benefit from Affirmative Action (via our presence in shared spaces of employment, finance, education, and recreation), resisters to the *practice* of equality (rather than just theory of it) began to bring lawsuits aimed at gutting what the post-civil war framers of the Constitution and the honorable Martin Luther King Jr and other civil rights leaders said *in their own words* that they had so diligently aimed to do: repair the accumulated injuries caused by the legacy of chattel slavery and Jim Crow discrimination. Until now resisters had largely been successful at turning the 14<sup>th</sup> amendment into a weapon against Freedmen—the very people for whom the 14th was argued and written. But all is not lost; this 2023 SCOTUS decision explicitly declares that government and educational institutions may indeed enact admission preferences based on previous discrimination.

I am writing your office to request that you fully comply with the SCOTUS ruling which states, as Chief Justice Roberts wrote: "Nothing in this opinion should be construed as prohibiting universities from considering an applicant's discussion of how race affected his or her life, be it through discrimination, inspiration or otherwise." Justice Thomas’s concurring opinion provides examples of U.S. case law showing that considerations to redress for previous discrimination have passed strict scrutiny when American Negro Freedmen benefitted most. The descendants of U.S. slaves community asks that you take action to affirm your commitment to realizing the original intent of the three post-civil war constitutional amendments and Negro civil rights; namely, to provide educational redress to the descendants of U.S. slaves (American Negro Freedmen), the very people whose family legacies spurred the 14<sup>th</sup> amendment and 1960’s Affirmation Action itself. While affirmative action cases aimed to curb the Negro legacy. Yet, this decision to limit race-based considerations now calls the country into a focus on Freedmen *lineage* and return to benefitting the people who were here at the time the injuries of our nation’s founding and who endured the harms that occurred: the descendants of U.S. slaves.

Descendants of U.S. slaves ask, at a minimum, that you:

- Immediately implement an affidavit process to ascertain if applicants and current students are survivors of American Negro Freedmen discrimination.
- Refine recruitment, admissions, and retention processes to ensure American Negro Freedmen are prime beneficiaries of special considerations for admissions, scholarships, culturally responsive student services, tutoring, internships, mentorship, etc.
- Pilot a multigenerational student development program that focuses on guiding descendants of U.S. slaves from admission through alumni career development and even retirement. This call-to-action anchors to the court’s critique of unclear outcomes after special considerations are given.
- Prioritize admissions into STEAM and finance fields to address the health, wealth, and wellbeing disparities of Negro patients and consumers.

Toward a More Perfect Union,

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Printed Name/Signature	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Title/Relationship to Freedmen Community
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