



AMERICAN ASSOCIATION FOR ACCESS, EQUITY AND DIVERSITY

**STATEMENT OF THE AMERICAN ASSOCIATION FOR ACCESS, EQUITY AND DIVERSITY
ON THE RETIREMENT OF JUSTICE ANTHONY M. KENNEDY
FROM THE UNITED STATES SUPREME COURT**

*Association Urges the Senate to Use its Advise and Consent Authority Carefully in Considering a
Replacement to the Supreme Court*

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The American Association for Access, Equity and Diversity (AAAED), an organization of equal opportunity, diversity and affirmative action professionals, would like to acknowledge the retirement of Justice Anthony M. Kennedy from the United States Supreme Court after more than thirty years of service.

While we did not always agree with Justice Kennedy, we must notice with gratitude his pivotal role in cases that were of particular interest to equal opportunity professionals: cases advancing LGBT rights, saving the Affordable Care Act and most important for our members, affirming the role of diversity in higher education admissions in *Fisher v. University of Texas at Austin, et al.* (2016).

AAAED recognizes that the utmost importance of the Supreme Court of the United States is to fairly interpret the laws, including those related to civil rights and civil liberties in the workplace, education, private industry, public accommodations and other sectors. From *Brown v. Board of Education of Topeka* (1954), to *Grutter v. Bollinger* (2003), *Obergefell v. Hodges* (2015) and *Fisher v. the University of Texas at Austin* (2016), the Supreme Court has been essential to the advancement of equal opportunity and social progress by extending constitutional protections to all regardless of race, religion, ethnicity, sex, disability, national origin, veterans' status or sexual orientation and gender identity. "Today, all advocates of diversity, equity and inclusion must wonder: are the bedrock principles of equal opportunity as we know them on the precipice of collapse? If they are, what propositions will replace them? That is, what is ahead of us now?" said Richard Anthony Baker, M.P.A., Ph.D., J.D., President-elect of AAAED.

For that reason, we urge the Senate to use the uttermost care in exercising its responsibility to advise and consent in the selection of the next Supreme Court justice. This is not the time for the Senate to engage in political and ideological preferences but to make the interest of the nation its highest priority. Likewise, it is not the time to reverse the progress made since the mid-Twentieth Century to advance the cause of access, equity and diversity. This is particularly important as the nation becomes increasingly diverse.

True to the vision of the founders, this nation needs the judiciary to serve as a check on abuses of power by other branches of government. Further, our constituents need the Court to stand against the encroaching darkness of discrimination and bigotry. Lastly, we are a nation of laws and our democracy needs a strong and independent judiciary to uphold longstanding constitutional principles. This is not a choice; it is an imperative. Nothing less than the future of this nation is at stake.

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Founded in 1974 as the American Association for Affirmative Action (AAAA), AAAED is a national not-for-profit association of professionals working in the areas of equal opportunity, compliance and diversity. The longest-serving organization of individuals in the equal opportunity and diversity professions, AAAED has 44 years of leadership providing quality professional training to practitioners and promoting understanding and advocacy of affirmative action and other equal opportunity laws.