

Affirmative action at issue in US Naval Academy trial

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The group that successfully convinced the U.S. Supreme Court to bar the consideration of race in college admissions is set to take the U.S. Naval Academy to trial on Monday in a challenge to an exemption that has allowed military academies to continue to employ affirmative action policies.

The two-week trial before a federal judge in Baltimore is the first to result from a pair of lawsuits filed last year against the Annapolis, Maryland-based school and the U.S. Military Academy at West Point by Students for Fair Admissions, a group founded by affirmative action foe Edward Blum.

His group is attempting to build on its June 2023 victory at the U.S. Supreme Court, when the court's 6-3 conservative majority banned policies used by colleges and universities for decades to increase the number of Black, Hispanic and other minority students on American campuses.

That ruling invalidated race-conscious admissions policies used by Harvard and the University of North Carolina, both of which have recently reported a decline in enrollment by Black students following the decision.

UNC also saw a drop off in Hispanic enrollment. The overall impact of the decision is still not fully clear, and some schools have reported little change in their Black and Hispanic student populations.

While the Supreme Court's ruling affected much of U.S. higher education, it explicitly did not address the consideration of race as a factor in admissions at military academies, which conservative Chief Justice John Roberts said had "potentially distinct interests."

Blum's group is arguing that the Supreme Court's ruling should be extended to those military academies, whose policies it claims are discriminatory and violate the principle of equal protection in the U.S. Constitution's Fifth Amendment.

Democratic President Joe Biden's administration in court papers has argued that the military has a legitimate



An affirmative action group argues that the U.S. Naval Academy is unlawfully engaged in "racial balancing" to achieve a desired make up of the school's annual classes.

KEVIN LAMARQUE/REUTERS FILE

need to consider race in admissions to foster a future generation of diverse officers to lead to an increasingly diverse fighting force.

Baltimore-based U.S. District Judge Richard Bennett, an appointee of Republican former President George W. Bush who served over two decades years in the U.S. Army Reserve and the Maryland National Guard, will preside over the trial.

At a December hearing, he rejected a pre-trial bid by SFFA to bar the Naval Academy from considering race.

He told a lawyer for SFFA that the racial desegregation of the military in 1948 "didn't solve all the problems" and that the Naval Academy lawsuit concerned different issues than those before the Supreme Court in the college cases.

Racial strife in the armed forces during the Vietnam War led senior military leaders to recognize that a scarcity of minority officers had created distrust within the force and undermined mission readiness, the Justice Department has said in court filings in the case.

It said there remains a need to ensure the Naval Academy, a training ground for future military leaders, has a diverse pipeline of students, noting the racial gap that still exists between service members and the officer corps.