

Affirmative action opponents sue US Air Force Academy

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REUTERS

The group that successfully persuaded the U.S. Supreme Court to ban race-conscious admissions at civilian colleges is expanding its fight to end affirmative action at military academies with a new lawsuit against the U.S. Air Force Academy.

Students for Fair Admissions, a group founded by affirmative action opponent Edward Blum, filed the lawsuit against the Air Force Academy late on Tuesday, just days after a judge rejected its challenge to race-conscious admissions at the Annapolis, Maryland-based U.S. Naval Academy.

The lawsuit was filed in federal court in Colorado, where the Air Force Academy is based, and alleges the school engages in unlawful discrimination and violates the equal protection clause in the U.S. Constitution's Fifth Amendment by considering race as an admissions factor.

"The Air Force Academy has no legal justification for treating applicants differently by race and ethnicity," Blum

said in a statement.

The academy, which educates cadets for service as officers in the U.S. Air Force and U.S. Space Force, had no immediate comment.

Democratic President Joe Biden's administration has defended the military academies' race-conscious admissions programs, saying senior military leaders have long recognized that a scarcity of minority officers could create distrust within the armed forces, which were desegregated in 1948.

Legal experts say the U.S. Department of Justice under Republican President-elect Donald Trump could abandon the defense of these policies after he takes office on Jan. 20.

Blum's group has been seeking to build on its June 2023 victory at the Supreme Court, when the court's 6-3 conservative majority sided with it by barring 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.

But 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."

Of the almost 1,100 cadets admitted into the Air Force Academy's class of 2028, ethnic and racial minorities comprised 38%, which the academy in July said represented one of the most diverse classes in its history.

Tuesday's lawsuit followed two earlier cases the group filed in the months after the Supreme Court's decision, one in New York against the U.S. Military Academy at West Point and another in Maryland against the Naval Academy.

Blum's group is appealing its loss on Friday in the Naval Academy case. The West Point lawsuit is proceeding to trial after a judge rejected a request at a preliminary stage to block the school's consideration of race. The U.S. Supreme Court in February declined pre-trial to do so as well.