Trump and Biden Had Very Different Responses to Affirmative Action Ruling

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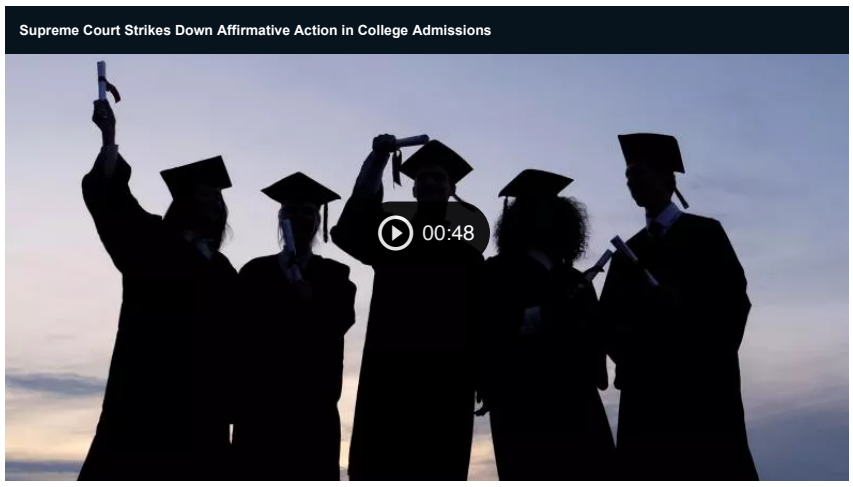

By Nick Reynolds
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President Joe Biden and Donald Trump had two very different responses to the Supreme Court's decision ending race-based admissions at U.S. colleges and universities.

Speaking Thursday to reporters at the White House, Biden lambasted the Court for doing away with decades of legal precedent that supported the legality of such admissions—otherwise known as affirmative action—and said the ruling ignored generations of racial prejudice that persists today.

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"We cannot let this decision be the last word," he said. "It cannot change what America stands for. America is an idea, an idea unique in the world. An idea of hope and opportunity. Of possibilities, of giving everyone a fair shot, of leaving no one behind. We've never fully lived up to it. But we've never walked away from it either. We will not walk away from it now."

Trump, however, described the decision as a restoration of equity in U.S. higher education.

President Joe Biden speaks Thursday about the Supreme Court's decision on affirmative action in higher education. The Court ruled that affirmative action programs in college admissions violate the 14th Amendment's equal protection clause.
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"This is a great day for America," the Trump campaign said in a statement. "People with extraordinary ability and everything else necessary for success, including future greatness for our Country, are finally being rewarded. This is the ruling everyone was waiting and hoping for and the result was amazing."

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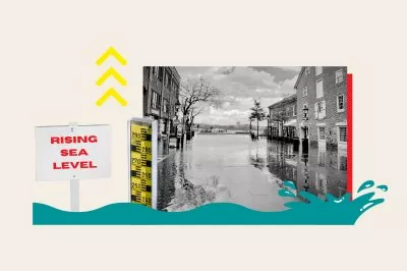

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The statement continued: "It will also keep us competitive with the rest of the world. Our greatest minds must be cherished and that's what this wonderful day has brought. We're going back to all merit-based—and that's the way it should be!"

In the United States, affirmative action policies in the workplace date back to the advent of the civil rights movement. Many colleges and universities eventually began to adopt similar policies in an effort to increase minority enrollment following systemic inequities going back well before those applicants were born.

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For years, this practice was considered legal. A 2003 Supreme Court case, *Grutter v. Bollinger*, affirmed affirmative action's legality, and for years it was considered the established precedent behind efforts to boost minority enrollment in American institutions of higher learning.

While critics argued that such policies might have resulted in a decline in merit-based admissions, affirmative action policies primarily worked to ensure an equitable number of students of color had access to the same education that more affluent and connected students enjoyed. This was done by ensuring consideration in admissions policies for qualified students of color who may not have had the same opportunities as more affluent, white applicants.

And there was still progress to be made. While minority enrollment at colleges has increased sharply in recent decades, an analysis by the left-leaning Center for American Progress says minority populations are actually more underrepresented at selective colleges today than they were more than three decades ago. In addition, the analysis said, Black student enrollment disparities continued to persist at 45 out of 50 flagship state schools across the country.

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"For too many schools, the only people who benefit from the system are the wealthy and the well-connected," Biden said Thursday. "The odds have been stacked against working people for much too long. We need a higher education system that works for everyone."

However, conservatives said affirmative action policies like those at Harvard and the University of North Carolina (UNC), the two defendants in the case, actually encouraged discrimination in admissions against non-legacy students who may have been just as—if not more qualified—than applicants of other races. These conservatives argued that the mere virtue of an applicant's skin color should not be given greater consideration than the person's academic merit.

In Harvard's case, the plaintiff, an organization called Students for Fair Admissions, argued that a large number of qualified Asian-American students had been denied admission to the university in favor of other racial minorities who may have had fewer electives or lower standardized test scores on their applications.

Asian-American students make up 23 percent of all students offered admission despite representing just 6 percent of the U.S. population, attorneys for Harvard argued. But the plaintiff said the result of the university's affirmative action policies was that those students were also held to higher standards than applicants from other races.

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The university's admission data appeared to support that argument.

According to data furnished in the original complaint, Black and Hispanic applicants in the fourth academic decile were nearly twice as likely to be admitted as a higher-performing white student. And of all races of applicant, top-performing Asian Americans were significantly less likely to be admitted.

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While admissions staffs can still consider the impact that race has on an applicant's background, the Supreme Court ruled that race alone can no longer be a primary factor in admission to a college. It said Harvard's and UNC's policies "lack sufficiently focused and measurable objectives warranting the use of race."

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"We have never permitted admissions programs to work in that way, and we will not do so today," Chief Justice John Roberts wrote in the majority opinion.

Trump didn't just agree with that statement on Thursday. He made it policy during his years in the White House.

In a 2015 interview with MSNBC's Chuck Todd, Trump said he would not repeal affirmative action—replying that "we've lived with it for a long time" when questioned how his administration would handle it. But in 2018 his Department of Education moved to repeal President Barack Obama's efforts to encourage university presidents to expand affirmative action policies.

The following year, Trump's administration struck a deal with Texas Tech University's medical school, requiring it to cease its use of race as a criterion for admissions under threat of a lawsuit over what the administration said was a persistent use of a discriminatory admissions policy.

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In the aftermath of Thursday's ruling, some have called Harvard's defeat in the case a self-inflicted one that brings renewed bipartisan scrutiny of disparities in its legacy admissions practices. Legacy applicants—who have a close family member, usually a parent, who attended the same college—have a 33 percent chance of being accepted, compared with just 6 percent of general applicants, according to Harvard enrollment figures.

And those legacy admissions—which constituted roughly 14 percent of freshman admissions at the university, according to a 2022 study by Education Reform Now—were overwhelmingly white. Enrollment data shows that more than 70 percent of those applicants were white, a statistic critics say undermined Harvard's defense of affirmative action as its most effective tool to improve diversity.

By comparison, just 7 percent of Harvard's freshman class each year is Black.

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"Harvard decided to cling to legacy admissions and make up the resulting diversity deficit through explicit racial discrimination," *New York Times* columnist David French wrote after Thursday's ruling. "This was a terrible position to take into court."

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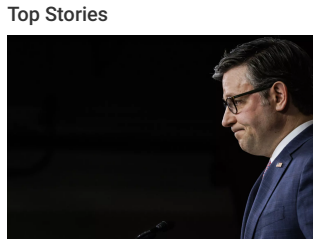

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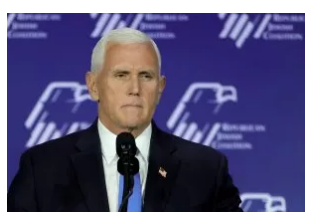

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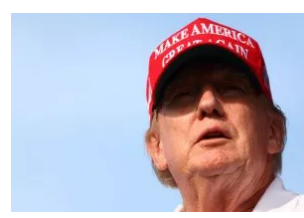

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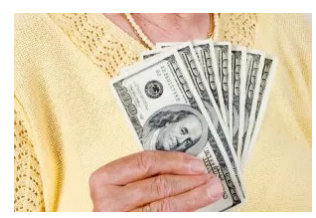

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