



Harry Reid: Justice Scalia's Comments on Affirmative Action were 'Racist'

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"The idea is that if a student is admitted to a school they are not academically prepared for then they will not perform up to their own potential". "I don't think it stands to reason that it's a good thing for the University of Texas to admit as many blacks as possible". On a 7-1 vote, the Supreme Court sent the case down to the 5th Circuit Court of Appeals for more evidence.

"When the Court declared a constitutional right to homosexual sodomy, we were assured that the case had nothing, nothing at all to do with whether the government must give formal recognition to any relationship that homosexual persons seek to enter," Scalia said. "It's as if nothing had happened". She has since graduated from Louisiana State University.

Fisher has been out of college since 2012, but the justices' renewed interest in her case appeared to be a sign that the court's conservative majority is poised to cut back, or even end, affirmative action in higher education.

Scalia's argument, which provoked a firestorm on Wednesday, was rooted in "mismatch theory," which suggests an ill-fit between the country's elite universities and minority students who are unprepared for the academic rigor that the schools demand.

New York Daily News Front page of the New York Daily News for Thursday which featured Scalia's questionable quote "Most black scientists do not come from advanced schools."

Texas says the "top 10" program alone is not enough and that the school needs the freedom to fill out incoming classes as it sees fit. But when Justice Scalia heard that point, he essentially asked if that, in itself, was a problem. "What unique perspective does a minority student bring to a physics class?" he asked.

"Justice Scalia is making the exhausted argument that admitting African-American students into white schools is akin to putting ponies in a horse race", said Nicole Smith, the Georgetown Center's chief economist. Fisher had sought admission under the second part of the plan.

System wide, the University of California has maintained diversity, said Andrew Grossman with the Cato Institute.

Both the top 10 plan and the holistic admissions plan are meant to promote both economic and racial diversity on campus. Andrew Grossman, an attorney with BakerHostetler who filed an

amicus brief in the case, said that Kennedy has never voted to uphold an affirmative action program.

Justice Ruth Bader Ginsburg seemed to agree.

"Like most Americans, I don't believe students should be treated differently due to their race", Fisher said. This works only because Texas neighborhoods are so segregated that many high schools are predominantly white or predominantly minority. Justice Elena Kagan was recused due to her prior job as Solicitor General. Agate said, "I think it is important that they address affirmative action.

The answer will nearly surely be provided by Justice Anthony M. Kennedy, who has never upheld a race-conscious plan such as the one being challenged in this case from the University of Texas at Austin.