

The New York Times

Right and Left React to the Justice Dept.'s Moves on Affirmative Action

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From the Right

• David Harsanyi in The Federalist:

“If you don’t like Trump’s federal push to undo Obama’s federal push, maybe there should be no federal push at all.”

Ideally, Mr. Harsanyi writes, the federal government wouldn’t be involved in college admissions policies at all. However, if the Department of Justice must concern itself with affirmative action, “it’s perfectly reasonable to ask it to undo institutional discrimination against white and Asian kids,” many of whom are denied a spot in top universities in favor of their wealthier peers. [Read more »](#)

• Lloyd Green in Fox News:

“Race and ethnicity should not be treated as proxies for disadvantage.”

Mr. Green expands on a point that Mr. Harsanyi raises, namely that when it comes to discrimination in college admissions, wealth is a better indicator of preferential treatment than race. He writes that legacy admissions need to end. “Perhaps,” he argues, “we can reach a policy that reflects the national consensus, one that rewards drive and ability more than birth.” [Read more »](#)

• Jonathan S. Tobin in National Review:

“Attorney General Jeff Sessions has just given disgruntled Republicans one more reason to think their efforts to elect Trump were justified.”

Mr. Tobin considers the political advantage of Jeff Sessions’s decision to bring affirmative action back into the public conversation. For those Republicans who doubted the president’s “conduct, veracity, and allegiance to conservative ideas,” the attorney general has proved to be a “source of consolation.” [Read more »](#)

• [Ilya Shapiro](#) in [USA Today](#):

“Admissions programs frustrate accountability because schools wield ‘holistic review’ as a shield to frustrate scrutiny, judicial or otherwise.”

Mr. Shapiro, a senior fellow at the libertarian Cato Institute, sees the Justice Department’s memo as a sign that it will seek out to root out “institutional racism” inherent in affirmative action. The “black box” nature of admissions procedures, he writes, means that “holistic review can serve as a cover for the illegitimate use of race,” specifically as a means to discriminate against Asian students. [Read more »](#)

• [KC Johnson](#) in [City Journal](#):

“Using the power of the Justice Department to demand greater transparency in the admissions process could, in addition to promoting ideals of racial equality and merit, generate significant shifts in the electoral realignment that is already taking place.”

Mr. Johnson, a professor of history at Brooklyn College and the CUNY Graduate Center, explains how the politics of affirmative action proved too troublesome to California Democrats who attempted to repeal a law that prohibited racial preferences in college admissions. Asian-Americans, an “overwhelmingly Democratic constituency,” quashed the repeal effort, which they saw “as threatening the educational future of their children.” With the help of the Justice Department and its efforts to “demand greater transparency in the admissions process,” he speculates, perhaps President Trump could make inroads with Asian-American voters. [Read more »](#)

From the Left

• [Christine Emba](#) in [The Washington Post](#):

“Affirmative action is a consistent hobbyhorse on the right because it combines real anxieties with compelling falsehoods.”

If there’s one thing that unites Ms. Emba with various writers on the right on the issue of affirmative action, it’s that “income tips the scale much more than race.” She writes that if the Trump administration were truly interested in “leveling the admissions playing field,” it wouldn’t focus its attention on “fringe campaigns against affirmative action,” but instead “would involve much broader efforts to redistribute wealth and power.” [Read more »](#)

• [Jelani Cobb](#) in [The New Yorker](#):

“The dominant theme in the history of American populism [...] is that resentful whites understand their economic status not in absolute terms but relative to the blacks whom they perceive as the true barometer of their standing.”

Mr. Cobb concedes that the leaked memo could serve the political purpose mentioned by Mr. Tobin above, namely “reminding conservatives why they should defend Jeff Sessions from Trump’s attempts to replace him.” But he writes that the move should also be understood in the broader context of other administration initiatives. Efforts to curb affirmative action, together

with President Trump’s decisions about immigration, trade policy and building a border wall, “point to an overall endeavor to create a kind of racial protectionism, to socially engineer a world in which whites — the unheralded disadvantaged class in America — once again have a deck stacked in their own favor.” [Read more »](#)

• June Jennings in [The Nation](#):

“The myth of the unworthy applicant is pervasive, and it both impacts the way white people — specifically men — think about themselves and the mental health of people of color.”

Many writers addressing the memo have cited Abigail Fisher’s lawsuit against the University of Texas in 2013. The Supreme Court ultimately upheld the school’s affirmative action program in 2016. Written in 2015, on the eve of the Supreme Court trial, this article by Ms. Jennings examines both the psychology of affirmative action and the effect of its rhetoric on students of color. “How can [Ms. Fisher] truly feel like a victim of racism?” Ms. Jennings wonders. [Read more »](#)

• [Richard Thompson Ford](#) in [Slate](#):

“It’s fair to assume that the real goal here is to fuel the hostility that some downwardly mobile whites feel toward racial minorities and toward the ‘cultural elite’ that selective universities have come to symbolize.”

Mr. Sessions’s “attack” on affirmative action is sure to fail, Mr. Ford writes, adding that the issue “has been argued, analyzed, and litigated repeatedly for more than 40 years.” Over and over again, courts have “wisely” deferred to universities on the question of admissions details. Perhaps the administration is focusing its attention on this settled legal territory to “distract attention from Trump’s failure to address the real causes of economic immobility, such as the disinvestment in public higher education and the rising costs of higher education.” [Read more »](#)

• The editorial board of [The San Francisco Chronicle](#):

“It also undercuts efforts by the nation’s more selective schools — which have the challenge and luxury of choosing among a surplus of qualified candidates — to take into account more than a student’s standardized test scores and grade point average when weighing his or her aptitude and drive.”

The editors at The San Francisco Chronicle argue that Justice Department’s decision to examine affirmative action “plays to racial resentment.” They argue that California’s Proposition 209 — the policy mentioned in Mr. Johnson’s article above — has had a “chilling effect” on the state’s ability close “opportunity gaps” in its higher education program. [Read more »](#)

And Finally, From the Center:

• [Peter Schmidt](#) in [The Chronicle of Higher Education](#):

“Any broader Trump administration campaign against race-conscious admissions policies will have trouble making much headway, at least in the short term.”

College administrators worried about the Justice Department's plans can rest easy, for now, writes Mr. Schmidt. He explains that "such policies simply have too much past U.S. Supreme Court backing for their legality to be easily challenged." Moreover, he reminds his readers that "if President Trump disappoints opponents of race-conscious admission policies, he would hardly be the first Republican president to do so." [Read more »](#)

• Nancy Leong and Erwin Chemerinsky in [The Washington Post](#):

"We should see conservative solicitude for Asian-Americans 'harmed' by affirmative action as strategic rather than genuine."

Ms. Leong and Mr. Chemerinsky worry that anti-affirmative action activists are using Asian-Americans to advance a policy that actually "benefit Asian-American students in specific and concrete ways." In the 1960s and 1970s, they write, affirmative action helped open higher education to Asian-American students. Opponents of the program are using Asian-Americans to "protect the existing racial hierarchy — with white people at the top — while disguising their efforts as race-neutral rather than racially motivated." [Read more »](#)