**Federal Court Rules that the Naval Academy’s Race-Conscious Admissions Program Is Constitutional**

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A federal district court ruled December 6, 2024, that the race-conscious admissions program of the United States Naval Academy did not violate the Fifth Amendment of the United States Constitution and its equal protection principles. This decision distinguished the admissions policy of the Naval Academy from the race-conscious admission policies of Harvard College and the University of North Carolina that were struck down by the United States Supreme Court June 20, 2023. (A summary of the Harvard and University of North Carolina decision is attached.)

In *Students for Fair Admissions (SFFA)* v. *United States Naval Academy, et al.*, the United States District Court for the District of Maryland held that the Naval Academy’s admissions practice of taking into account the ethnicity or race of applicants was based on “a compelling national security interest in a diverse officer corps in the Navy and Marine Corps,” and therefore did not run afoul of the equal protection principles of the Fifth Amendment.” (citations omitted) Acknowledging the fact that “52 percent of enlisted Navy servicemembers are racial minorities but just 31 percent of Naval officers are minorities,” the court elaborated on the policy basis for the Naval Academy’s race-conscious admissions program:

The United States military has long made the judgment that developing and maintaining a fighting force that is qualified and demographically diverse at all levels is critical for mission effectiveness. Since at least 1963, and “[b]ased on decades of experience,” the military has concluded that a highly qualified and racially diverse officer corps is “not a lofty ideal,” but a “mission-critical national security interest.”

The court was quick to distinguish the rationale for the race-conscious admissions practices of the Naval Academy from the rationale underlying the practices of civilian academic institution such as Harvard College and the University of North Carolina:

Unlike the civilian institutions in Harvard and other affirmative action cases, Defendants [the Naval Academy] here do not claim the benefits that flow from a diverse student body as the compelling interest served by race-conscious admissions. Instead, Defendants argue that the Naval Academy’s race-conscious admissions policies serve a compelling interest in national security by improving the Navy and Marine Corps’ unit cohesion and lethality, recruitment and retention, and domestic and international legitimacy.

This line of reasoning was foreshadowed by the following footnote in the Supreme Court decision in *SFFA* v. *Harvard College* [and the] *University of North Carolina*:

The United States as amicus curiae contends that race-based admissions programs further compelling interests at our Nation’s military academies. No military academy is a party to these cases, however, and none of the courts below addressed the propriety of race-based admissions systems in that context. This opinion also does not address the issue, *in light of the potentially distinct interests that military academies may present*. (emphasis added)

The second constitutional principle relied on by the district court in *SFFA* v. *Naval Academy* was the deference of the judicial branch (including the United States Supreme Court) to the executive and legislative branches regarding military matters. The court opined as follows:

Quite simply, this Court defers to the executive branch with respect to military personnel decisions. Specifically, as noted *infra*, “under Article II of the Constitution, the President of the United States, not any federal judge” ultimately makes such decisions.

The court reemphasized the doctrine of judicial deference on military issues by discussing *Department of Navy* v. *Egan*, a 1988 Supreme Court decision:

As in its other cases, the Supreme Court explained its deference to Congress and the executive branch, including military personnel, on matters of national security…The Court noted its independent deference to the President, as the Commander in Chief of the Armed Forces, and executive branch as distinct from its deference to Congress. Citing its considerable case law on the deference owed the Executive in military matters, the Court concluded, “unless Congress specifically has provided otherwise, courts traditionally have been reluctant to intrude upon the authority of the Executive in military and national security affairs.”

Commentators have pointed out the incoming Trump Administration may do away with the race-conscious admissions policies of the Naval Academy and the other service academies. The Trump Administration has the constitutional authority to do so.

*(Questions about this article and* SFFA v. United States Naval Academy, et al.*,* *may be directed to the author at* *dbalasa@aama-ntl.org**.)*