

*Administration of Joseph R. Biden, Jr., 2023*

## **Remarks on the United States Supreme Court Decision on Affirmative Action in College Admissions and an Exchange With Reporters**

*June 29, 2023*

*The President.* Good afternoon, folks. Sorry to keep you waiting a few minutes.

Forty-five years—for forty-five years, the United States Supreme Court has recognized a college's freedom to decide how to build diverse student bodies and to meet their responsibility of opening doors of opportunity for every single American.

In case after case, including recently, as—just as a few years ago in 2016, the Court has affirmed and reaffirmed this view: that colleges could use race not as a determinative factor for admission, but as one of the factors among many in deciding who to admit from a qualified—already qualified pool of applicants.

Today the Court once again walked away from decades of precedent and make—as the dissent has made clear. The dissent states that today's decision, quote, "rolls back decades of precedent and momentous progress." End of quote. I agree with that statement from the dissents—from the dissent.

The Court has effectively ended affirmative action in college admissions. And I strongly—strongly—disagree with the Court's decision.

Because affirmative action is so misunderstood, I want to be clear—make sure everybody is clear about what the law has been and what it has not been, until today. Many people wrongly believe that affirmative action allows unqualified students—unqualified students—to be admitted ahead of qualified students. This is not—this is not—how college admissions work.

Rather, colleges set out standards for admission, and every student—every student—has to meet those standards. Then, and only then, after first meeting the qualifications required by the school, do colleges look at other factors in addition to their grades, such as race.

The way it works in practice is this: Colleges first establish a qualified pool of candidates based on meeting certain grade, test scores, and other criteria.

Then, and only then—then, and only then—it is from this pool of applicants, all of whom have already met the school's standards, that the class is chosen, after weighing a wide range of factors, among them being race.

You know, I've always believed that one of the greatest strengths of America—and you've tired of hearing me say it—is our diversity, but I believe that. If you have any doubt about this, just look at the United States military, the finest fighting force in the history of the world. It's been a model of diversity. And it's not only been our—made our Nation better, stronger, but safer.

And I believe the same is true for our schools. I've always believed that the promise of America is big enough for everyone to succeed and that every generation of Americans, we have benefited by opening the doors of opportunity just a little bit wider to include those who have been left behind.

I believe our colleges are stronger when they are racially diverse. Our Nation is stronger because we use what we—because we are tapping into the full range of talent in this Nation. I also believe that while talent, creativity, and hard work are everywhere across this country, not equal opportunity. It is not everywhere across this country.

We cannot let this decision be the last word. I want to emphasize: We cannot let this decision be the last word.

While the Court can render a decision, 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.

We should never allow the country to walk away from the dream upon which it was founded: that opportunity is for everyone, not just a few. We need a new path forward, a path consistent with the law that protects diversity and expands opportunity.

So today I want to offer some guidance to our Nation's colleges as they review their admissions systems after today's decision, guidance that is consistent with today's decision.

They should not abandon—let me say this again: They should not abandon their commitment to ensure student bodies of diverse backgrounds and experience that reflect all of America.

What I propose for consideration is a new standard, where colleges take into account the adversity a student has overcome when selecting among qualified applicants.

Let's be clear: Under this new standard, just as was true under the earlier standard, students first have to be qualified applicants. They need the GPA and test scores to meet the school's standards.

Once that test is met, then adversity should be considered, including its lack—a student's lack of financial means, because we know too few students of low-income families, whether in big cities or rural communities, are getting an opportunity to go to college.

When the poor kid—when a poor kid, maybe the first in their family to go to college, gets the same grades and test scores as a wealthy kid whose whole family has gone to the most elite colleges in the country and whose path has been a lot easier, well, the kid who faced tougher challenges has demonstrated more grit, more determination. And that should be a factor that colleges should take into account in admissions. And many still do.

It also means examining where the student grew up and went to high school. It means understanding the particular hardships that each individual student has faced in life, including racial discrimination that individuals have faced in their own lives.

The Court says, quote, "[N]othing in this opinion should be construed as prohibiting universities from considering an application's [applicant's; White House correction] discussion of how race has affected his or her life," but it's—it's through—but "be it through discrimination or inspiration or otherwise." End of quote.

Because the truth is—we all know it: Discrimination still exists in America. Discrimination still exists in America. Discrimination still exists in America. Today's decision does not change that. It's a simple fact.

If a student has overcome—had to overcome adversity on their path to education, a college should recognize and value that. Our Nation's colleges and universities should be engines of expanding opportunity through upward mobility. But today, too often that's not the case.

The statistics—one statistic: Students from the top 1 percent of family incomes in America are 77 times more likely to get into an elite college than one from the bottom 20 percent of family incomes. Seventy-seven percent greater opportunity.

Today, for too many schools, the only people who benefit from the system are the wealthy and the well connected. The odds have been stacked against working people for much too long. We need a higher education system that works for everyone, from Appalachia to Atlanta and to far beyond. We can and must do better, and we will.

Today I'm directing the Department of Education to analyze what practices help build a more inclusive and diverse student bodies and what practices hold that back, practices like legacy admissions and other systems that expand privilege instead of opportunity.

Colleges and universities should continue their commitment to support, retain, and graduate diverse students and classes. You know, and companies—companies who are already realizing the value in diversity should not use this decision as an excuse to turn away from diversity either.

We can't go backwards.

You know, I know today's Court decision is a severe disappointment to so many people, including me, but we cannot let the decision be a permanent setback for the country. We need to keep an open door of opportunities. We need to remember that diversity is our strength. We have to find a way forward.

We need to remember that the promise of America is big enough for everyone to succeed. You know, that's the work of my administration, and I'm always going to fight for that.

And I want to thank you all. And I know you've been told I have a helicopter out there waiting to go up to do an interview in New York. I'll be talking to—more about this in a live interview.

But thank you very much. And we're going to have plenty of time to talk about this. But we're not going to let this break us.

Thank you.

### *U.S. Supreme Court*

*Q.* President Biden, the Congressional Black Caucus said the Supreme Court has "thrown into question its own legitimacy." Is this a rogue Court?

*The President.* This is not a normal Court.

*Q.* Should there be term limits for the Justices, sir?

NOTE: The President spoke at 12:48 p.m. in the Roosevelt Room at the White House.

*Categories:* Addresses and Remarks : U.S. Supreme Court Decision on affirmative action in college admissions.

*Locations:* Washington, DC.

*Subjects:* Affirmative action programs in higher education; College access, expansion efforts; College costs and affordability; Diversity, equity, and inclusion, improvement efforts; Racial discrimination; Racial equality, improvement efforts; U.S. Supreme Court decision on affirmative action programs in higher education.

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