



CAPITAL IDEAS

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SCOTUS Harvard-UNC Case: Higher Ed's Discrimination Against Asians

BY LANCE IZUMI

On March 28, 2023, Lance Izumi delivered the following address as part of a National Association of Scholars panel that discussed discrimination against Asian Americans in higher education.

Let me start by saying that we often hear that underrepresented minorities face a systemic problem in education.

However, that systemic problem is not systemic racism, but the systemic failure of the public schools to prepare these minority students for higher education.

I have always said that in order to fully understand the reason why colleges and universities discriminate against Asian Americans in admissions, one must recognize that these policies are meant to compensate and cover up for the education failures of the K-12 public school system.

For example, here in California, the University of California Academic Senate found the most significant factor preventing UC eligibility for underrepresented minorities was their “failure to complete all required A-G [college preparatory] courses with a C or better.”

Even then-UC President Janet Napolitano admitted that the biggest factor in underrepresentation at UC is that students do not fulfill college preparatory requirements for admissions.

Beyond the failure of the public school system to prepare underrepresented minorities for college, the public schools are doing a terrible job of simply teaching these students the basic subjects.

Take, for instance, the results on the National Assessment for Educational Progress.

In 2019, before the pandemic, 10 percent of African-American eighth graders in California scored at the proficient level in math.

In 2022, after COVID began to subside, that proportion had fallen from 10 percent to just 7 percent.

For Hispanic eighth graders in California, 15 percent were proficient in math in 2019, but by 2022 that proportion had fallen to just 11 percent.

So, if legislators, policymakers, and educators truly want to improve the chances for success for underrepresented minority children, then they should attack the systemic quality problem in the public schools by offering better education alternatives for every child, both in California and across the nation.

But, of course, solving these systemic deficiencies in K-12 public education is too daunting for policymakers and would require too much courage, so they opt for the easy way out by discriminating against Asian Americans in college admissions so that they can artificially increase the number of underrepresented minorities in higher education.

A couple years ago, along with my PRI colleague Rowena Itchon, I co-authored a chapter on Harvard University's alleged discrimination against Asian Americans for the book *A Dubious Expediency*, which was co-edited by Gail Heriot and Maimon Schwarzschild.

At the time, the legal case against Harvard was going through the lower courts, but our emphasis was not as much on the constitutional aspects of the case, but on the empirical evidence that proved that Harvard had created a structure of discrimination against Asian Americans.

That's why we dove deep into the statistical evidence presented to the federal court that overwhelmingly showed that there was structural discrimination against Asians.

Harvard used a so-called "holistic" admissions system to disguise the fact that it held Asian Americans to a higher standard than other students. Under this system, both objective merit factors and subjective personal factors were used to admit students.

The plaintiffs in the Harvard case presented research by Duke University professor of economics Peter Arcidiancono, who put together an extensive two decades-long admissions database that allowed him to analyze how race, ethnicity, and other factors affected admissions at Harvard.

His findings were shocking. First, he found that Asian-American applicants "as a whole are stronger on many objective measures than any other racial/ethnic group including test scores, academic achievement, and extracurricular activities."

Specifically, Asian Americans' average SAT score was 25 points higher than white applicants; 154 points higher than Hispanic applicants; and 218 points higher than African-American applicants.

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Asian Americans also had the highest academic index, which is the combined score for standardized testing and high-school performance.

As a side note, I should point out that given how Asian Americans outscore other groups on the SAT, it is no coincidence that many colleges and universities have decided to drop the SAT and ACT as requirements for admissions.

It is ironic that those who oppose testing claim that the tests are racist, when the impact of eliminating tests has the greatest effect on a minority group—namely Asians.

Arcidiacono used the example of an Asian-American applicant who is male, is not disadvantaged, and has other characteristics that result in a 25-percent chance of admission to Harvard.

Simply changing the race of this Asian applicant to white—and leaving all his other characteristics the same—would increase his chance of admission from 25 percent to 36 percent.

Changing his race to Hispanic would increase his chance of admission from 25 percent to 77 percent.

And changing his race to African American would increase his chance of admission from 25 percent to 95 percent.

Arcidiacono said: “Despite being more academically qualified than the other three major racial/ethnic groups, Asian-American applicants had the lowest admissions rates.”

Harvard’s own data “show that this has been true for every admissions cycle for the classes of 2000 to 2019.”

A key way that Harvard penalizes Asian Americans is to give them low personal ratings on traits such as likability, integrity, helpfulness, courage, and kindness, which is both absurd and incredibly insulting.

Arcidiacono found that Asian Americans in the top decile in the academic rating received a significantly lower score in the personal rating than “African Americans at the third decile (from the bottom) of the academic index.”

Arcidiacono concluded that removing racial and ethnic preferences would have increased Asian-American admissions to Harvard by more than 46 percent over a six-year period.

And Harvard’s own research showed that Asian-American applicants had, on average, stronger academic credentials than other applicants from other racial groups and would make up 43 percent of the admitted class based on academic credentials alone.

Instead, for decades, the Asian-American share of Harvard admissions was below 20 percent.

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What this data demonstrates is that Harvard put in place an admissions structure of racial stereotyping that resulted in systemic intentional discrimination against Asian Americans in the admissions process.

And the practices at the University of North Carolina were similar.

At UNC, African-American applicants to the school, with certain high school grade point averages, were admitted to the university at massively higher rates than Asian applicants with the same GPAs.

What is amazing is that not a single college or university has supported Asian Americans in the case before the U.S. Supreme Court.

On the contrary, dozens of briefs supporting race preferences were filed on behalf of hundreds of colleges, universities, and higher education associations.

The University of California filed a brief saying that colleges and universities should be able to consider race in admissions, even though California's state constitution makes such consideration illegal.

The colleges and universities complain that if they were forced to adhere to a race-neutral admissions system, then the number of underrepresented minorities at their schools would fall.

But as Cornell law professor William Jacobson has pointed out, "One of the most striking things about these briefs is the openness with which colleges admit to having racial preferences and their complete lack of sympathy for Asian victims of discrimination."

He concluded that these schools "have created separate racial tracks for applicants, establishing de facto illegal racial quotas using linguistic sleight-of-hand to cover their tracks."

But it isn't just the colleges that are fine with openly discriminating against Asian Americans.

The lower court judge in the Harvard case admitted that Asian Americans were discriminated against in the admissions process, but still ruled against them because Asian Americans—in her words—"did not possess the personal qualities that Harvard is looking for." That is shocking.

But such open embrace of discrimination by the educational, political, and judicial elite is offensive to the American people.

Survey data shows that 73 percent of Americans, including large majorities of African Americans and Hispanics, oppose race as a factor in college admissions.

Further, more and more young people get it.

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They see that the ideological politicization of admissions is discriminating against Asian Americans and they are speaking out about it.

In our chapter in *A Dubious Expediency*, we quote a California high school student named Sohini Ashoke.

According to Sohini, “Creating racial quotas and trying to diversify a campus is most definitely not a step towards equality, and it is not a way to counteract racism.”

She said that American colleges have changed their narrative to promote a more diverse environment rather than fighting discrimination, which is evident in their treatment of Asian-American students.

Sohini concluded, “It is crucial to stop allowing race to overshadow personal merit or achievement when it comes to determining who the future college students of this country are.” She is absolutely right.

In today’s atmosphere where the Left is trying to use race to overturn our constitutional and legal protections and to destroy America’s fundamental color-blind meritocratic ideals, I believe that Asian Americans could end up saving America.

You saw this potential play out in the successful campaign to stop the re-introduction of racial preferences here in California.

The *San Francisco Chronicle* said that first-generation Chinese immigrants were the key group in the anti-race-preference campaign.

The newspaper found that this issue is really personal for these immigrants because they emigrated from China to attend college or graduate school in the U.S. and say they overcame a poor upbringing using education to rise into the middle class.

And remember, from the Chinese Exclusion Act to the internment of Japanese Americans during World War II, government has discriminated against Asians because of their race.

This historical context makes the Harvard-UNC case even more important to Asian Americans.

As Asian American Coalition for Education president Mike Zhao says, “Race-based admission is systemic racial discrimination against Asian Americans and should be totally banned.”

I think that the Supreme Court will ban this blatant discrimination and when they do, as Wenyuan Wu and I pointed out in a joint article we wrote for *Townhall*, equal protection of the law will become a reality for all Americans, regardless of race.

Lance Izumi is senior director of the Center for Education at the Pacific Research Institute. He is the co-author, along with Wenyuan Wu and McKenzie Richards, of the new book The Great Parent Revolt: How Parents and Grassroots Leaders Are Fighting Critical Race Theory in America’s Schools.