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Should college admissions consider racial factors? Harvard "discrimination against Asians" case appealed to the Supreme Court

By Mo Yu
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Washington—The Harvard University admissions process suspected of discriminating against Asian students was appealed to the U.S. Supreme Court on February 25. The plaintiff requested the Supreme Court to prohibit the consideration of race in college admissions decisions. If the Supreme Court accepts the case, the relevant judgment will have a profound impact on the U.S. ethnic diversity policy, especially the "affirmative action". This lawsuit has also caused controversy in the Chinese community.

Case focus

The plaintiff of this lawsuit, "Students for Fair Admissions", asked the Supreme Court to hear the case and consider two issues: whether the Supreme Court should overturn the previous decision that allowed colleges and universities to consider race as a factor in the admissions process; Harvard Does the university violate Article 6 of the Civil Rights Act, which prohibits racial discrimination in projects that receive federal funding?

The "Student Fair Admissions Organization" opposes taking racial factors into consideration in admission decisions. This organization filed a lawsuit against Harvard University in 2014, accusing this prestigious Ivy League school of discriminating against Asians in undergraduate admissions, including "racial balance", setting higher standards for Asian students, and using "personality scores" for Asians Score low to increase the proportion of other minorities such as African Americans. The plaintiff also believes that Harvard University placed too much emphasis on racial factors when making admissions decisions, and did not consider methods such as "race neutrality", which did not comply with the Supreme Court's jurisprudence to consider racial factors within a limited range.

The lower courts have previously made verdicts in favor of Harvard University. In November last year, the Federal Circuit Court of Appeals in Boston ruled that Harvard considers race in a limited way, consistent with previous Supreme Court jurisprudence.

Edward Blum, a conservative activist and chairman of the "Student Fair Admissions Organization," said in a statement that he hopes that the Supreme Court will accept this case and "eventually end the practice of considering race and ethnicity in college admissions."

While appealing the Harvard case to the Supreme Court, the "Student Fair Admissions Organization" also sued Yale University in a lower court regarding the consideration of racial factors in admissions policies, accusing it of discriminating against Asian and white students. Prior to this, the organization also filed similar lawsuits against the University of North Carolina at Chapel Hill and the University of Texas at Austin.

These schools deny the allegations. Harvard University said in a statement that its admissions policy is consistent with the Supreme Court's jurisprudence, and it will defend its rights and seek "the educational benefits that a diverse student population can bring." Harvard previously stated in response to the lawsuit. The percentage of admissions for Asian students has increased from 17% to 21% in the past ten years, while Asians account for only 6% of the American population.

For or against, different voices among Chinese descent

The Harvard case has attracted widespread attention in the Chinese community that has always attached importance to education. Some Chinese parents stand against Harvard University, believing that Harvard University's admissions process is unfair to Asian children with excellent academic and moral qualities.

Ouyang Liehan, vice chairman of the Asian American League, believes that Harvard University implements "racial quotas" when enrolling students, using stereotypes such as "inadequate Asian leadership" to give "personality ratings" to Asian students, and objective evaluations in academic performance. The implementation of "super high standards" for Asian students has made Asians suffer "invisible discrimination."

He believes that a fairer way of enrolling students is to only consider applicants' personal achievements and their economic and social conditions, and race should not be taken into consideration.

His organization has filed a complaint with the U.S. Department of Education and the Department of Justice, requesting an investigation into Harvard University's discrimination against Asians in the admissions process, and is preparing to submit a statement of non-parties opinions to the Supreme Court.

Ouyang Liaohan said: "Diversity (diversity) is good, but diversity should not be used as an excuse to discriminate against students of Asian or any other ethnicity. Invisible quotas are given to Asians with a stereotype (stereotype)."

Vicki Zheng, the second-generation Chinese who is studying at the Bronx Science High School in New York and is about to graduate this year, told the Voice of America that when applying for college, her tutor also mentioned to her that an Asian student only accounts for 2% of universities and an Asian student accounted for 20% of universities, because of the diversity of students, Asians are more likely to be admitted by the former.

She believes that college admissions are indeed unfair, but this Harvard lawsuit, regardless of the verdict, is actually not good for Asians. She said: "I think this whole case is more about antagonizing the Asian and African communities."

Affirmative act

The consideration of race in college admissions is part of the affirmative action in the United States. The Affirmative Rights Act was born during the civil rights movement in the 1960s. It aims to provide some care to the historically excluded minorities and women through laws, policies, and administrative measures to correct racial and gender inequality and discrimination. The implementation of the affirmative act mainly focuses on three aspects: education, employment, and SMEs obtaining federal government contracts.

The affirmative act is also controversial. Opponents believe that some of the policies in the affirmative act are overcorrected and cause "reverse discrimination" against whites or other specific ethnic groups, such as Asians. The "Student Fair Admissions Organization" stated in the complaint that in the admissions of Harvard University, among the applicants who are also in the 10th decile, the acceptance rates of Asians and whites are only 12.7% and 15.3%. , African Americans and Hispanics are as high as 56.1% and 31.3%.

Ouyang Liehan said that he is not opposed to passing affirmative rights bills to help disadvantaged groups. He said: "We oppose the affirmative bill based on race, and we support the affirmative bill based on economic and social status."

Xue Haipei, chairman of the Chinese National Committee of the United States, believes that the affirmative bill needs some adjustments to ensure that it is not the elites among the minorities who benefit, but the groups who really hold the needs. He also pointed out that the United States has a history of racial inequality. It is understandable to start from a racial perspective, but it cannot be overused.

He said: "In the long run, I definitely hope that race can withdraw from the core considerations of public policy formulation. However, before reaching that society, continue to consider race factors as public policy considerations to a certain extent and to a limited extent. It is reasonable in the historical period."

He said that if the affirmative law factor in college admissions is removed, the number of Asians admitted may rise, but in other areas such as the workplace, are the Chinese also willing to see the affirmation law cancelled?

Supreme Court

Disputes about the affirmative bill have also been brought to the Supreme Court many times before. The Supreme Court's decision generally supports the affirmative act, but prohibits "racial quotas" during its implementation.

The most recent ruling of the Supreme Court was the 2016 case concerning the consideration of race in the admissions process of the University of Texas at Austin. The ruling at the time maintained support for the limited consideration of ethnic factors. This lawsuit was also filed by the "Student Fair Admissions Organization".

This time the Harvard University lawsuit is expected to be accepted by the Supreme Court in the spring.

Ouyang Liehan believes that the probability of a case being accepted is very high. He said: "If it is not resolved, lawsuits will continue. What is the policy of using race in enrollment? I think it's time to reach a conclusion."

However, Vinay Harpalani, a law professor at the University of New Mexico in the United States, believes that the Supreme Court will not accept it.

He said that the Supreme Court had just made a ruling on a similar issue five years ago. "It's rare to reconsider this issue so quickly." He said that although the previous case involved public universities and Article 14 of the Constitution. The amendment, this time involves private universities and Article 6 of the Civil Rights Law, but the legal principles are also equal protection clauses.

He also said that the "Student Fair Admissions Organization" has also filed similar lawsuits against the University of North Carolina at Chapel Hill and other colleges and universities, and the Supreme Court may also be inclined to wait until these cases are judged by lower courts before considering whether to accept relevant lawsuits. .

Regarding the issue of whether racial factors should be considered in college admissions, the former Trump administration supported the "fair admissions organization for students" position and filed a similar lawsuit against Yale University, accusing it of discriminating against Asian and white students. The Biden administration dropped the prosecution against Yale shortly after taking office.

Professor Halpalani believes that the Biden administration is expected to support policies that consider ethnic factors in college admissions. He said: "If the U.S. Supreme Court accepts the case, the Biden administration will submit a non-parties statement to support Harvard University."

Far-reaching

However, the composition of justices of the Supreme Court today is very different from 2016. After liberal Justice Kennedy retired in 2018, Justice Ginsberg passed away last year, and former President Trump appointed three conservative justices, the balance of the Supreme Court seems to be tilted towards the conservative side.

Legal experts and some activists believe that with the current number of conservative and liberal judges in the Supreme Court of 6 to 3, the 40 years of allowing race as a factor in college admissions may end.

However, Halparani pointed out that in the past similar lawsuits in the Supreme Court, many experts have predicted the demise of the affirmative act, "but the policy of taking racial factors into account in admissions can bear it, and it has lasted longer than these predictions. So the justices surprised us, and it's possible."

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