



Fall 11-10-2022

Thoughts on the Harvard Case: Why Discrimination Against Asians Cannot Be Attributed to Race Based Affirmative Action

Mark Naison

Thoughts on the Harvard Case: Why Discrimination Against Asians Cannot Be Attributed to Race Based Affirmative Action

Given what I have learned about college admissions, it is astonishing that a law firm would argue that the primary cause of discrimination against Asians in admissions at Harvard is admissions preferences given underrepresented minorities at that school. As Daniel Golden has argued in his 2007 book "The Price of Admissions". preferences given to children from wealthy families, the vast majority of them white, through legacy admissions, developmental admissions, and athletic admissions dwarf those given African American, Native American and LatinX applicants

In the short presentation that follows, I will discuss the historic moment when race based admissions first arose, explain how it evolved and then briefly discuss the forces which sharply restrained it, allowing wealth based admissions to gradually return to the prominence it once held in the early 1940's and 1950's. In particular I will discuss how athletic admissions emerged as one of the most important vehicles for wealthy whites to regain preferential access to the nation's top colleges, using personal experience as well as research to document this. As an Ivy League athlete in the early and mid Sixties, with two children who were Ivy League athletes in the late 1990's and early 2000's, I can give first hand testimony as to how athletic admissions evolved in a way that undermined democratic forces transforming the nation's elite institutions and reinforced privileges of wealth

First let me go back in time to the period when elite universities first opened their doors to large numbers of underrepresented groups.

In historicizing race based affirmative action, which was adopted with striking rapidity by universities in the late 1960's, there are two important things to keep in mind. First we need to recognize that the massive enrollment of Black students was one part of the response of white elites to the riots and uprisings that took place in American cities from 1964-1968. As documented by sociologist John Skerntny in his important book "The Ironies of Affirmative Action," massive enrollment of Black students in elite universities, along with recruitment of Blacks to work in previously all white occupations in corporate America and basic industry, was a strategy to restore order to a riot torn nation by giving Blacks a stake in the intermediate and top levels of management of the nation's major institutions. However, a second stage in this development took place when large numbers of Black students arrived in these institutions and launched mass movements to change University admissions practices as well as incorporate Black history and culture into school curricula

The result of this was that by the early 70's, universities faced fierce pressures from inside their student bodies to engage in massive recruitment of black students and faculty, a pressure which, in some places, was also applied to increase LatinX representation.

As a result, the nation's elite universities, already forced to democratize their student populations in the 50's and 60 by enrolling more Jewish and Catholic students, were now under pressure to guarantee admissions to large numbers of Black and LatinX students. By the mid 1970's, according to Bowen and Shapiro in their book "The Game of Life," race based admission had twice the potency of admission preferences for children of alumni

However, the Bakke case, decided by the US Supreme Court in 1978, would soon change that dynamic. Not only did the the opinion written by Lewis Powell, which still has the force of law in shaping how race can be used in admissions, ban universities from using numerical targets for admission based on race, it also banned universities from using racially preferential admissions to to integrate the professions or compensate historically disadvantaged groups for societal discrimination-- which were the two most important rationales used for race based admissions. The only legitimate criteria for using race in admissions was to create a diversity of views and experiences on campus, and it could only be used as a "plus factor" in an admissions system which evaluated all students together

Over time, this limit on both the methods and rationale for race based admissions would have the effect of weakening University's efforts to recruit racially and economically disadvantaged populations. While the percentage of historically disadvantaged racial groups did not fall, it stopped rising and over time, the groups that benefited the most from the resulting changes in admissions

practices were not economically marginalized whites or Asian-Americans, but children of the wealthy, and one of the ways they did this is through athletic admissions.

Although Bowen and Shapiro have documented the academic and social consequences of giving athletic admissions unusual weight in the nation's most prestigious schools, no one has satisfactorily explained the most disturbing part of this story—namely how elite universities and the very wealthy, whether intentionally or not, transformed athletic admissions into a vehicle to undermine much of the progress made in democratizing their student populations. Giving athletic admissions preferences, much of it extended to men and women's sports like crew, lacrosse, and tennis, which were concentrated in affluent neighborhoods, occurred slowly and incrementally at a time when Black Protest on and off campus was declining and the concentration of wealth at the top layers of US society was accelerating. By the late 1990's, although the general public had no knowledge of this, athletic admission had far overtaken race based admission as the most potent preference at the nation's top college

I encountered this relatively obscure practice, which has now become widely publicized as a result of the Varsity Blues scandal, through the experience of my daughter, a nationally ranked tennis player, who was told by Harvard, in writing, in 1994 that 1100 was her target SAT score for admission! This was on top of an experience where every

Ivy League school called the house once a week and offered her paid visits. This was then paralleled through the experience of my son, a left handed pitcher who threw 85 miles an hour, who was told by Princeton that 1200 was the score he needed to get into that school

Both ended up going to Yale, where they had four year varsity careers as athletes. Upon graduation, both went into finance, an outcome that was hardly accidental since being an Ivy League athlete may be the single most prized attribute for a career in investment banking. Two years ago, to give a more example, 9 graduating Princeton lacrosse players took entry level jobs at JP Morgan

What makes all of this even more astonishing in the number of people involved and the demographics of the group. At every Ivy League school, 20 percent of the student population consists of recruited athletes a cohort in which the percentage of whites is far higher and the percentage of Asians far lower than in the student population as a whole

Given this development, I find it appalling that the law firm who mounted this suit, tried to link the legitimate question of whether Asians are discriminated against in admission, to an effort to eliminate race based affirmative action, which they hope the US Supreme Court will ultimately rule against. If you are looking for unfairness in elite school admissions, your main focus should be the wide variety of admissions preferences for wealthy whites, who lock up far more places at elite universities. Not since the early 1950's have our elite universities been less democratic.

Undermining race based affirmative action would only accelerate that process, as it was the Bakke decision limiting redistributive elements in race based admissions that set in motion the gradual transformation of our elite universities into places which reinforce the intergenerational transfer of wealth and cement plutocratic rule.