



Provide Equal Protection to All American Students —AACE Policy Recommendations on College Admissions

I. Background

In order to minimize its erosion to equal protection principle of the U.S. Constitution, since 1978, relevant Supreme Court Rulings have significantly limited the use of race in college admissions. The U.S. Supreme Court has banned

- The use of racial quotas in 1978 (*Regents of the University of California v. Bakke*) as reiterated in 2003 (*Grutter v. Bollinger*, P22)ⁱ. “a race-conscious admissions program cannot use a quota system—it cannot ‘insulat[e] each category of applicants with certain desired qualifications from competition with all other applicants.’”
- The use of racial stereotypes (*Grutter v. Bollinger*, 2003, P24)ⁱ: “When using race as a ‘plus’ factor in university admissions, a university’s admissions program must remain flexible enough to ensure that each applicant is evaluated as an individual and not in a way that makes an applicant’s race or ethnicity the defining feature of his or her application.”
- The use of higher standard to Asian or any other racial groups (*Grutter v. Bollinger*, 2003, p29)ⁱ: “Narrow tailoring, therefore, requires that a race-conscious admissions program not unduly harm members of any racial group.”

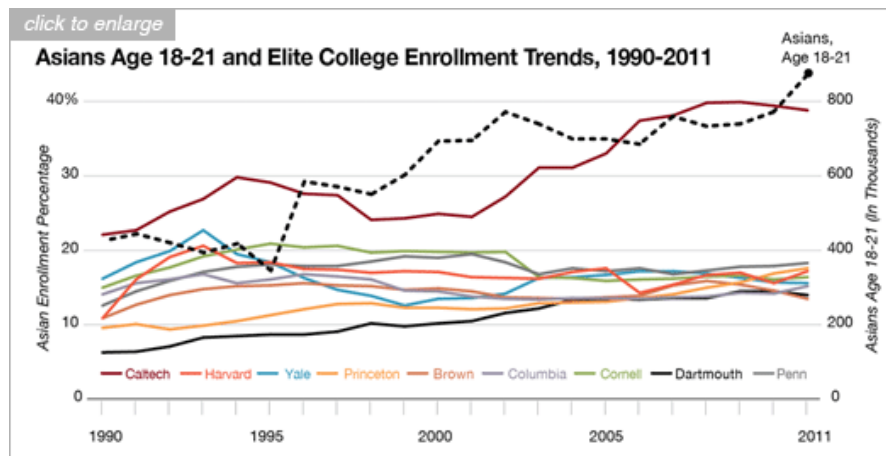
However, prior administrations did not issue any policy guidelines to require all American colleges to strictly follow relevant Supreme Court rulings. Instead, in 2011 Obama Administration issued “Guidance on the Voluntary Use of Race to Achieve Diversity in Postsecondary Education.” In 2013, it issued “Questions and Answers About *Fisher v. University of Texas at Austin*.” The goal of both guidelines are to promote racial balancing in college admissions, not to provide equal protection of the law to students from all racial groups.

As a result, many colleges including Ivy League schools still use racial quotas, higher admission standards, racial stereotypes and other illegal ways to discriminate against Asian and other Americans during college admissions.

- In 2007, Daniel Gordon published his Pulitzer Prize Winning Book, *The Prices of Admission, How America’s Ruling Class Buys Its Way into Elite Colleges—and Who Gets Left Outside the Gates*, which indicates that American elite universities widely use racial stereotypes to discriminate against Asian Americans and higher admission standards to discriminate against Asian and white American applicants.ⁱⁱ

- In 2009, Princeton professor Thomas Espenshade and his assistant Alexandra Radford published research that quantified that American elite universities widely use higher admission standards to discriminate against Asian and white American applicants: Asian-Americans have to score on average approximately 140 point higher than a white student, 270 points higher than a Hispanic student and 450 points higher than a black student on the SAT.ⁱⁱⁱ
- In 2012, Ron Unz published data which indicated that “de facto” racial quotas exist in Ivy League schools: The share of Asians at Harvard peaked at over 20% in 1993, then immediately declined and thereafter remained roughly constant at a level 3–5 percentage points lower, despite the fact that the Asian-American population has more than doubled since 1993, as has the number of highly qualified Asian-American applicants. “The relative enrollment of Asians at Harvard was plummeting, dropping by over half during the last twenty years, with a range of similar declines also occurring at Yale, Cornell, and most other Ivy League universities (see Exhibit 1).”^{iv}
- On September 22, 2016, [Inside Higher Education](#) reported a survey of admission officers. It further revealed that 42% of admission officers from private colleges and 39% of admission officers from public colleges admitted that they hold Asian-American applicants to higher standards.^v

Exhibit 1: Trends of Asian enrollment at Caltech and the Ivy League Universities, Compared with growth of Asian college-age population (by Unz)



Though Asian and other American students suffer from such illegal discrimination, inner-city minorities are not major beneficiaries of such race-based college admissions policies. It favors new immigrants and well-off members of certain minorities while ignoring the truly disadvantaged students of those same minorities. For example, a 2007 study found that 41% of black students enrolled in Ivy League Colleges come from new immigrant families.^{vi} If we subtract students from well-off families, well below 50 percent of the Ivy League College’s enrollment of black students actually come from disadvantaged communities.

II. Key Principle on College Education

Over the last eight years, under the Obama Administration, the purpose of college education has strayed from its original purpose of education to racial balancing. It is the time to restore the following principles:

1. The primary goal of higher education is to select qualified candidates to educate them into leaders and highly-skilled workers, in order to help them pursue the American dream and to enable the United States to maintain our economic and technological competitiveness in the world. Promoting diversity should not override the primary purpose of higher education.
2. The primary approach to creating racial diversity in colleges is through improving K-12 education quality in disadvantaged communities by investing resources, conducting education reform such as school choice, promoting best practices in parenting and fostering community support. The use of race in college admissions should only be a supplemental approach, after “serious, good faith consideration of workable race-neutral alternatives.”
3. Colleges need to restore meritocracy, the indispensable principle that makes America great. Colleges should **primarily** admit students based on their merit. Colleges should rely more on objective measures to evaluate applicants and make the process fair and transparent.
4. The use of race factors in college admissions, as a supplement to increase diversity in colleges, should be strictly limited, based on relevant Supreme Court rulings, and should help to address education issues of low-income families and inner-cities.

III. Policy Recommendations

1. The Department of Education should issue guidelines on the use of race in college admissions: All colleges in America, except for those in the eight states which have banned the use of race in college admissions, shall strictly implement relevant Supreme Court rulings in college admissions. Colleges should treat each applicant as an individual and compare the applicant with all other candidates, regardless of his or her racial background. During college admissions process, colleges should forbid:
 - a. The use of racial quotas, either explicitly or implicitly;
 - b. The use of racial stereotypes;
 - c. Use of higher standards to unduly burden any racial groups.
2. To the degree that racial preference is permitted in accordance with relevant Supreme Court rulings, the policy preference should focus on students low-income families, not from well-off families. This targeted approach will better help inner-city minority students achieve a college education and get out of poverty.
3. Implement the above policies to all colleges in America, except for those in the eight states which have banned the use of race in college admissions. The policy should include proper training and a step-by-step process to guide college admissions officers on implementation.
4. Rescind the “Guidance on the Voluntary Use of Race to Achieve Diversity in Post-secondary Education” of 2011 and other policies that fail to provide the equal protection of

the laws to Asian Americans and Americans of other racial groups. Incorporate some of their reasonable contents into the new policy.

Asian American Coalition of Education looks forward to working with the Trump Administration on details of the policy guideline we propose.

Thank you for your consideration!

Asian American Coalition for Education (AACE)
<http://asianamericanforeducation.org/en/home/>

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ⁱ Supreme Court of the United States No. 02.241, *Barbara Grutter, Petitioner v. Le Bollinger et al.*

ⁱⁱ Golden, Daniel, *The Price of Admission, How America's Ruling Class Buys Its Way into Elite Colleges —and Who Gets Left Outside the Gates*, released in 2007, ebook edition.

ⁱⁱⁱ Espenshade, Thomas J.; Alexandra Radford, *No Longer Separate, Not Yet Equal: Race and Class in Elite College Admission and Campus Life*, Princeton University Press, 2009.

^{iv} Unz, Ron, "The Myth of American Meritocracy," *The Conservative*, Page 14-51, December 2012.

^v Jaschik, Scott, "Pressure to Build the Class: 2016 Survey of Admissions Directors," *Inside Higher Education*, September 22, 2016.

^{vi} Anna, Cara, "Among Black Students, Many Immigrants," *Washington Post*, April 30, 2016 (<http://www.washingtonpost.com/wp-dyn/content/article/2007/04/30/AR2007043000106.html>).