

# Harvard Discriminates Against Students of Color

*Editor's Note: This is a non-member column (open to all).*

Racial discrimination is legal at Harvard University. A federal judge said so. But this time it's not affirmative action against white students; it's against people of color.

Judge Allison Burroughs ruled against Asian-American students who sued Harvard arguing that the school used racially biased subjective standards to intentionally keep them out.

Harvard couldn't disqualify the students based on their intelligence, so they found something else to use against them.

"Ensuring diversity at Harvard relies in part, on race conscious admissions," the judge wrote. "Race conscious admissions will always penalize to some extent the groups that are not being advantaged by the process, but this is justified by the compelling interest in diversity and all the benefits that flow from a diverse college population."

At the heart of the lawsuit was a subjective rating Harvard gives to its students – about how they would fit in on campus. And Harvard decided that while, yes, Asian-American students do well when it comes to academics, they don't do so well when it comes to "personal" traits. As Judge Burroughs put it, "Asian-American applicants disproportionate strength in academics comes at the expense of other skills and traits Harvard values."

What other skills? They're not as chatty as other students? Not as cool? They spend too much time in the library? As an editorial in the Wall Street Journal put it, "Who knew that Harvard had a quota on nerds – at least if they're Korean,

Japanese, Chinese, Vietnamese or Indian descent.”

Imagine if some conservative Christian university gave low admission points to black kids on grounds that *they* didn't fit in. Would any judge in the entire United States of America buy that argument? Wouldn't the courts conclude that the subjective criteria were a discriminatory subterfuge, designed to keep black applicants out?

But somehow it's not seen as a form of racial discrimination when it's liberal Harvard doing the discriminating – against Asian-American kids.

Affirmative action, we were led to believe, was supposed to benefit people of color at the expense of white applicants. Someone had to pay a price to achieve diversity on campus. Why not all those kids suffering from “white privilege”?

But liberals didn't play the movie all the way through. Because now, at Harvard anyway, it's OK to discriminate against people of color – if the people of color are disproportionately good students, like Asian-Americans.

The case is on appeal and may wind up in the Supreme Court. And hiding among all the legalese will be a simple question: Is it legal to discriminate against Asian-American students using some vague rating system based on personal traits – when no school in the nation would be allowed to use that same rating system to keep out other minority students?

Why is one kind of discrimination acceptable and not the other?

It was to Harvard's shame that they kept Jewish applicants out many decades ago because they didn't want too many of *their kind* on campus. It was ugly discrimination back then, pure and simple. So is what Harvard is doing today.

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