

Admissions Scandal Doesn't Justify Racial Preference

Walter Olson

March 25, 2019

William Singer to lie their kids' way into elite colleges — inventing athletic achievements, hiring stand-ins to take tests, obtaining bogus disability diagnoses — some pundits greeted the revelations as somehow proving what might seem something unrelated: that advocates of racial preferences in admissions were right all along.

The scandal “makes all those people who went to court arguing that their Caucasianism had been discriminated against through affirmative action look completely ridiculous,” claimed Charles Pierce in Esquire. According to an ACLU attorney interviewed at the Huffington Post, “race-conscious admissions programs” are intended “to even the playing field at least slightly” against the sort of parents who used Singer’s services. “Shame on anyone who still thinks affirmative action is unnecessary,” wrote Monique Judge at The Root.

This is a really odd line of argument. After all, more than one form of unjustified advantage can be “real” at the same time.

If racial preference in college admissions is unjust, it doesn't magically become just because people identify some other injustice that has different beneficiaries.

Many of those arguing that the admissions scandal somehow vindicates racial preferences seem unaware that Singer repeatedly falsified students' ethnicities to get them into affirmative action categories.

No wonder he'd want to do that. A recent Princeton study found being in a favored racial or ethnic group gave a boost in admissions equivalent to 180-230 SAT points, while being an Asian-American, a disfavored category, was like having to shoulder a handicap of 50 points.

Those who want to defend this state of affairs should be frank and defend it, rather than pointing to some other unfairness in admissions and claiming things somehow equal out.

It's also worth the effort to quantify the effects.

“Legacy” admissions of students with alumni parents or relatives are not implicated in the new scandal, but it's worth pointing out that a recent study found legacy admittees have on average higher, not lower, test scores than other members of their incoming class.

No one doubts that some poorly qualified students make it in because they have relatives who donate massive sums, a group not plentiful in number. Another batch of low-performing students get in through athletic preference.

If you're an applicant who doesn't fit in *either* the celebrities-and-cheaters pool or the racial-preference pool, things definitely aren't somehow canceling out. You're competing with other families like yours for an artificially small number of remaining admission seats. And that's after the athletes-and-very-major-donors pool has taken its slice.

The lessons of fairness, a quantity that can be amorphously defined at best, may not be the same for all institutions.

Just as private universities are free to follow religious principles that may not be mine or yours, so they should have more breadth to pursue other objectives that you or I might necessarily agree with. That might mean efforts to “balance” representation by taking group status into account, or favoring the offspring of donors or founding families. They’re private.

Public (state) universities are different. They have responsibilities, including responsibilities of equal treatment, toward all the people of their states.

Sometimes they might have leeway to favor applicants whose admission is almost sure to benefit other students — for example, the star athlete or celebrity’s kid whose visibility or popularity means the college will attract more applicants or job recruiters up the road.

But those are going to be uncommon exceptions.

The Constitution is generally silent about education matters, but it does include in its Fourteenth Amendment specific language forbidding “any State” from denying to any racial group the equal protection of its laws. Public universities should not discriminate by race, especially not on the excuse that someone managed to game the system on other grounds.

Two injustices do not add up to one justice.

Walter Olson is a senior fellow at the Cato Institute.