



# Appeals Court Upholds Harvard's Affirmative Action Practices

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An Appeals Court panel upheld Harvard University's controversial affirmative action policy this week. The policy had previously been challenged by a group called Students for Fair Admissions, which alleged that Harvard discriminates against Asian-American applicants during its admissions process. Some analysts believe that the case will be appealed all the way to the Supreme Court.

According to a [report](#) by *USA Today*, two judges of the United States Court of Appeals for the First Circuit upheld Harvard University's controversial affirmative action policies in a decision released this week.

Ilya Shapiro, director of constitutional studies at the Cato Institute, commented on the ruling, saying: "This ruling isn't surprising in the slightest. The case was always designed to go to the Supreme Court and now it will. It's high time that the justices end the 40-year error of interpreting the Constitution to allow universities that accept public funding to use racial preferences in admissions decisions."

Breitbart News [reported](#) in October 2019 that Harvard University had prevailed in a trial over its alleged discriminatory admissions practices. The plaintiff in the case, an organization called Students for Fair Admissions, has since appealed the case to higher courts.

In the [decision](#), Judge Sandra Lynch argued that Asian-Americans are not at a significant disadvantage during the admissions process. Lynch cited statistics that suggest that Asian-American applicants are less than one percent less likely than their similarly-situated white peers to be admitted to the university.

We repeat that the statistical model using the personal rating showed no discrimination against Asian Americans. Rather, it shows that Asian American identity has a statistically insignificant overall average marginal effect on admissions probability of  $-.08\%$ . This means that, on average, the model shows that an Asian American student has a  $.08\%$  lower chance of admission to Harvard than a similarly situated white student and that this effect is statistically insignificantly different from zero.

Breitbart News [reported](#) in October 2018 that internal Harvard documents revealed that the university discriminated against potential applicants on the basis of race.

Internal documents revealed that the university sent high school students an invitation to apply based on the relationship between their race and practice SAT score. Under the then-existing policy, Harvard sent an application invitation to any white student who scored 1310 on the PSAT

or higher. However, they only sent an invite to Asian females who score 1350 or higher. Asian males only received an invitation to apply if they scored 1380 or higher.