

# Justice Department accuses Yale of discriminating against Asian American and white students

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The Department of Justice (DOJ) issued Yale University a Notice of Violation last week, alleging discrimination against Asian American and white students. According to a letter from Eric Dreiband, Assistant Attorney General for Civil Rights, Yale is guilty of violating federal civil rights law in its undergraduate admissions with respect to the two racial groups.

On April 5, 2018, the DOJ notified Yale that it was opening a Title VI investigation into alleged discrimination in undergraduate admissions in response to complaints from applicants. Since then, the Justice Department has undertaken a lengthy review of documentation related to Yale's undergraduate admissions process and interviewed admissions officials.

Dreiband argued that the extensive investigation revealed that Asian American and white applicants only have “one-tenth to one-fourth of the likelihood of admission as African American applicants with comparable academic credentials” at Yale.

Additionally, every year from 2000 to 2017, the rates of Asian American applicants offered admission were below their ratio in the undergraduate applicant pool. The rates of admission offers for white applicants were also similarly disproportionate in a majority of years. Yale admitted African American and Hispanic applicants at rates higher than their representation in the applicant pool throughout this time.

Other analyses show Yale is also purposefully racially balancing its freshman class, with the representation of racial groups remaining relatively stable for the last decade. Dreiband demanded Yale remedy its admission policy by August 27 or face a

civil lawsuit.

The Trump Administration's action comes approximately a month before similar arguments are set to be heard before the Supreme Court in a case challenging Harvard University's racially biased admission practices. The timing is no accident and aims to influence the direction of the debate.

Initially filed in 2014, *Students for Fair Admissions v. Harvard Corporation* revolves around many of the same accusations recently directed against Yale. The plaintiffs, represented by right-wing legal activist Edward Blum, accused Harvard of running an admission process that amounted to an illegal quota system, with incoming freshman classes showing similar racial composition over the years, and allegations that Harvard favored black and Hispanic students at the expense of others.

Indeed, Harvard was engaged in a remarkably rigid balancing act. For several decades, the school maintained an ethnic composition in which admitted students were 40-50 percent white, 17-20 percent Asian American, 7-10 percent Hispanic, 7-10 percent African American, 10 percent resident alien and less than 10 percent American Indian, mixed or unknown ethnicity. Between 1994 and 2008, African American and Hispanic enrollment only deviated by 0.3 percent and 0.4 percent respectively.

The trial relating to Harvard heavily featured testimony of longtime Harvard Dean of Admissions and Financial Aid William Fitzsimmons, who was questioned about the university's preferential treatment of wealthy applicants. Fitzsimmons would regularly meet with Development Office employees at the university, demonstrating the donation-driven

admissions policy Fitzsimmons said was “important for the long-term strength” of Harvard. One can expect similar policies are in place at other elite universities.

The investigation into Harvard’s activities expose certain truths about the relationship between higher education, wealth and politics in America. In certain respects, the institutions operate as financial institutions first and educational facilities second. With its \$36.4 billion endowment, Harvard could afford free tuition and board to over 600,000 students for a year.

There are a number of interrelated processes at play here. On one hand, the cases involving Harvard and Yale illuminate the reactionary and antidemocratic nature of affirmative action, which seeks to pit minority youth against white youth for a limited number of positions. This conflict becomes particularly acute at those institutions, like Harvard, Yale, and other elite American universities, where a degree is treated as virtual admission ticket to the upper class.

At these elite colleges, “legacy” admission preferences offered to the children of alumni exacerbate the conflict for positions by reducing the number of admissions for non-legacy students of all races. At Harvard, about 30 percent of legacy applicants are offered admission, which is roughly five times the rate at which all other applications are accepted. Unsurprisingly, children of Harvard alumni are more likely to be wealthy and less likely to be minorities.

But these institutions also reserve positions for the affluent minority children as well. The racial quotas in place are the result of a policy adamantly pushed by the Democratic Party and minority sections of the upper-middle class. Understanding that elite schools act less as institutions of higher education than gatekeepers to high positions in bourgeois society, these layers squabble for access. They feel that privileged minorities should have the same right to extract wealth from the populace as those already entrenched in the upper echelons of society.

The Trump administration’s decision to intervene in this conflict is for its own ultra-reactionary purposes. This is a president who declared COVID-19 the “Chinese virus” and an administration which regards foreign students from China as a mass of Beijing spies. This makes them an unlikely ally for Asian American students denied admission to Ivy League schools. Here the fascistic right makes use of the Democrats’

obsession with race for their own reactionary—and brazenly racist—purposes.

Studies show that the best method for increasing minority enrollment—and meeting the purported educational goal of racial diversity—is the elimination of “legacy” admission preferences offered to children of alumni.

A number of universities, including Texas A&M University, the University of Georgia, and the entire University of California system (which includes Berkeley and Cal-Tech), greatly increased their student bodies’ ethnic diversity by ending both legacy preferences as well as racial preferences.



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