

CACAGNY Asks Supreme Court to Fix Past Errors, Restore Equal Rights in Admissions

December 14, 2021

Today, December 14, 2021, CACAGNY joined Pacific Legal Foundation, Center for Equal Opportunity, Reason Foundation, Yi Fang Chen, Coalition for TJ, and Project 21 to file an amicus brief at the Supreme Court of the United States. The brief, attached below, supports Students for Fair Admissions (SFFA) in its lawsuit against the University of North Carolina (UNC) for the University's anti-Asian discrimination in admissions.

Earlier this year, on March 30, CACAGNY joined an amicus brief supporting SFFA against Harvard, also for anti-Asian discrimination in admissions. Both cases are based on Title VI of the Civil Rights Act of 1964; the UNC case is additionally based on the Equal Protection Clause of the Fourteenth Amendment.

That UNC discriminates against Asians in admissions is undeniable. In one decile of academic performance, UNC rejects 70% of Asian applicants, while *accepting* 70% of Black applicants – in the *same* decile. UNC doesn't even attempt to deny that it discriminates racially. Instead, referencing *Grutter v. Bollinger*, UNC claims that *a little* racial discrimination is OK.

A little racial discrimination is not OK, and *Grutter* is wrong.

In the 2003 *Grutter* case, the Supreme Court sided with the University of Michigan that *a little* racial discrimination is excusable because there is "compelling state interest" for universities to concoct melanin diversity in entering classes. Why? Supposedly, they *must* have the otherwise unconstitutional admission criterion of melanin diversity in order to achieve a "robust exchange of ideas" at universities.

That *Grutter* was absurd on day one was probably why Justice Sandra Day O'Connor wrote sheepishly that the Court's ruling notwithstanding, racial preferences should no longer be necessary 25 years later: *a little* racial discrimination is OK, but only for *a little* while.

Centuries of magnificent achievements in knowledge and thought, in great civilizations ancient to modern spanning all the world's continents, demonstrate amply how and why melanin diversity is neither *necessary* nor *sufficient* for "robust exchange of ideas," and universities never met the burden of proof that they are any different. Well, 18 years after *Grutter*, it is abundantly clear why they didn't even try: that "robust exchange of ideas" was a scam. Universities are now a dreary desert of intellectual conformity, policed by a watchful and relentless cancel culture. A "robust exchange of ideas" was never their intent. That was a bait-and-switch, and the Supreme Court was taken for a ride.

And at what cost? In *Rice v. Cayetano*, the Supreme Court wrote that racial classifications are forbidden because "it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit." The melanin diversity scam has led us to the dehumanizing low of practicing summary, stereotypical, collective scapegoating against Asians. *Racial discrimination in admissions is the true hate crime against Asians today.*

We Americans are in a bold experiment in multicultural nation-building. We accept our differences, our unequal outcomes, our *real diversity*. Total strangers who don't even speak the same language can still live, work, and transact with each other. This is only possible because we are united by the founding principles of *equal individual rights under the law*, regardless of where we come from, or what we are. All that matters to the law is what each of us does, not what *anyone else of whatever collective* does, or did. That we succeeded exceptionally well as a nation is validated by the fact that people from all corners of the world continue to want to come, to make their home and seek their liberties here.

The Supreme Court must recognize that the Grutter decision was a mistake, for many reasons, and must undo Grutter to end racial scapegoating and restore equal individual rights under the law.

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