

March 30, 2021

## **CACAGNY Asks Supreme Court to Stop Racial Discrimination in College Admissions**

Today, CACAGNY joined Pacific Legal Foundation, Center for Equal Opportunity, Reason Foundation, Individual Rights Foundation, Yi Fang Chen, and Coalition for TJ to file an *amicus brief* at the Supreme Court of the United States. The brief, attached below, supports Students for Fair Admissions in its lawsuit that Harvard discriminates against Asian in its admissions process.

That Harvard and other elite colleges engage in racial preferences against Asians in admissions is undeniable. Harvard effectively acknowledges this, by fighting tooth-and-nail against color-blind admissions. If Harvard does not engage in racial preferences, it could have waltzed off from this lawsuit by saying: "but we practice race-blind admissions!" Harvard, conspicuously, didn't.

Instead, Harvard defends itself in this lawsuit by admitting that it does engage in racial preferences, but *just a little*, and that, Harvard says, is OK, citing the half-baked loophole created in *Grutter v. Bollinger* that has become the standard excuse for racial preferences ever since.

That is not OK.

Because whether you tiptoe into racial preferences as in *Grutter*, or plunge into race war full-frontal as with Critical Race Theory, you commit racist discrimination. That's just logic. So Harvard invokes racist, stereotypical group profiling to justify rejecting an Asian applicant: *too many Asians*, another *over-represented Asian*, people who *don't look like us*, and *they lack courage and kindness* -- not that the "Asian" designation even makes sense.

Ibram X. Kendi, the Critical Race Theorist, is dead wrong when he wrote that the only remedy to racist discrimination is anti-racist *discrimination*, the only remedy to past discrimination is present *discrimination* – but, behind the temper tantrum, that's just an extreme form of *Grutter*. Both are sure to perpetuate and exacerbate racial discrimination. The only true way to stop discrimination on the basis of race is, as Chief Justice Roberts wrote, to stop discriminating on the basis of race.

We Americans are in a bold experiment in multicultural nation-building. We accept our differences, our unequal outcomes: our *diversity*. Total strangers who don't even speak the same language can still trust each other only because we uphold *equal rights under the law*, for every *individual*, regardless of his immutable characteristics. We started from an imperfect state, but we never stop striving. That we have done exceptionally well as a nation is validated by the fact that peoples from all corners of the world continue to want to come and make their home here.

CACAGNY President Phil Wong said: "The path to the future is not Critical Race Theory and its racial struggle sessions, its group judgment and retribution. The path to the future is equal rights under the law for every individual."

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