



Written by [James Murphy](#) on August 14, 2020

Justice Department: Yale Discriminates Against Asian and White Students

An investigation by the U.S. Justice Department has found that Yale University is illegally discriminating against Asian and white students. Prosecutors have found that the Ivy League school is acting in contravention of Title VI of the 1964 Civil Rights Act, which prohibits discrimination on the basis of race, color, or national origin in any program that receives federal funding.



The Department of Justice notified Yale's attorney, Peter Spivack, of the violations in a [letter](#) dated August 13. The letter states: "Yale grants substantial, and often determinative, preferences based on race to certain racially-favored applicants and relatively and significantly disfavors other applicants because of their race. Yale's race discrimination imposes undue and unlawful penalties on racially-disfavored applicants, including in particular Asian American and White applicants."

The investigation concluded that Asian or white students have "only one-tenth to one-fourth the likelihood of admission as African American applicants with comparable academic credentials."

"There is no such thing as a nice form of race discrimination," said Assistant Attorney General Eric Dreiband, the head of the DOJ's civil rights division, in a statement.

"Unlawfully dividing Americans into racial and ethnic blocs fosters stereotypes, bitterness and division," Dreiband said. "It is past time for American institutions to recognize that all people should be treated with decency and respect and without unlawful regard to the color of their skin."

Yale "categorically denies" the allegation. According to Yale, the Justice Department doesn't have the whole story and cannot offer such an opinion before all the documentation on its admissions practices is thoroughly studied.

"Given our commitment to complying with federal law, we are dismayed that the DOJ has made its determination before allowing Yale to provide all the information has requested thus far," the university said in a statement. "Had the Department fully received and fairly weighed this information, it would have concluded that Yale's practices absolutely comply with decades of Supreme Court precedent."

Instead of accepting the rebuke and promising to do better, Yale chose to double down on their unfair admissions practices. "We are proud of Yale's admissions practices, and we will not change them on the basis of such a meritless, hasty accusation," the statement went on to say.

The Justice Department, however, is demanding that the school change their racially biased admissions practices immediately.

"We would like to secure Yale's compliance with Title VI by voluntary means. To that end, Yale must agree not to use race or national origin in its upcoming 2020-2021 undergraduate admissions cycle, and, if Yale proposes to consider race or national origin in future admissions cycles, it must first submit to the Department of Justice a plan demonstrating that its proposal is narrowly tailored as required by



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law. Any such proposal should include an end date to Yale's use of race."

Yale has until August 27 to comply voluntarily with the Justice Department's demands or it will face a lawsuit from the DOJ.

While the Supreme Court has said that colleges are definitely allowed to consider race in the application process, the court has also said that such a process must be carried out in a narrow, defined, and measurable way and should also be limited in time. The Justice Department claims that Yale is not following these strictures:

First, it appears that Yale's diversity goals are not sufficiently measurable. Our investigation indicates that Yale's diversity goals appear to be vague, elusory and amorphous. Yale's use of race appears to be standardless, and Yale does virtually nothing to cabin, limit or define its use of race during the Yale college admissions process.

Second, Yale's race discrimination in undergraduate admissions is also not narrowly tailored. Our investigation revealed that Yale's discrimination affects hundreds of admissions decisions each year.

The complaint against Yale echoes a [similar complaint](#) against Harvard brought forward by a group of Asian Americans who claimed that Harvard discriminated against them in the admissions process. Students for Fair Admissions first brought the suit against Harvard in 2014. Federal judge Allison D. Burroughs ruled last October that, although Harvard's admissions process was "not perfect," it still met federal guidelines on admissions standards. Students for Fair Admissions appealed the decision in February.

It is high time that these Ivy League schools were held accountable for their reverse discrimination practices. It's just unfortunate that the Justice Department has to step in to end a practice that is so clearly and obviously bigoted. Centuries of discrimination against Blacks by these schools cannot be cured by simply looking the other way and allowing less-qualified students to take spots that other students have rightly earned — no matter what color they are.

Most of us learned a long time ago that two wrongs don't make a right. It's time for the Ivy League to learn that simple lesson.

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James Murphy is a freelance journalist who writes on a variety of subjects. He can be reached at jcmurphyABR@mail.com.



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