



Written by [R. Cort Kirkwood](#) on September 3, 2012

## Report: Diversity Policies = Legalized Discrimination

Writing about the U.S. Supreme Court's decision to review a discrimination lawsuit filed against the University of Texas, two conservatives argue that efforts to achieve racial "diversity" on college campuses are nothing more than reverse discrimination against whites and Asians.

[Roger Clegg](#), general counsel for the neoconservative [Center for Equal Opportunity](#), and [John Rosenberg](#), who writes the "[Discriminations](#)" blog, also argue that diversity policies reinforce stereotypes about blacks, put many in a position where they are doomed to fail, and harm Asians by keeping them out of top flight schools.



In August, the high court agreed to hear the case of [Fisher v. University of Texas](#). Abigail Fisher sued the school because it refused her admission while permitting minority students with lower grades to matriculate. [She argued](#) that the policy violates her rights under the U.S. Constitution. The U.S. Court of Appeals for the Fifth Circuit ruled against her, and she appealed to the U.S. Supreme Court.

### Why "Diversity" Is Racial Discrimination

[Clegg and Rosenberg offer](#) 10 reasons why the court should decide in favor of Fisher's lawsuit against UT. *Academic Questions*, the journal of the conservative National Association of Scholars, published their article in its fall issue.

Tops among them is that arguments for diversity as part of a "holistic" approach to admissions, meaning it is one of many factors a university considers when considering an applicant, are nonsense. "Whether prosaically defined as affirmative action or disguised by the powdered and perfumed sophistry of supposedly 'holistic' admissions practices (where, it is claimed, race is 'only one of many factors' considered), 'diversity' is discrimination based on race and ethnicity," the pair write.

Even worse, the [two argue](#), diversity ideology's sole "purpose and effect" is to admit those "who who would not have been selected but for their race or ethnicity. And that means, inescapably, that an equal number of others were not selected because of their race or ethnicity."

Clegg and Rosenberg claim that defenders of diversity "are in denial" that such policies discriminate against whites and Asians, and amazingly, have "redefined 'discrimination,' asserting that discrimination occurs only when it harms a group, not individuals." The [National Association for the Advance of Colored People](#) argued thusly in the case of *Grutter v. Bollinger* in 2003. That decision permitted the University of Michigan to discriminate on the basis of race under the guise of "diversity." A lawyer with the [NAACP wrote](#) that because the university's student body was "at least 80 percent white, so it isn't credible to claim that it or its affirmative action policy discriminates against whites as a group.

"Diversity" policies then, the [authors argue](#), are a euphemism for racial quotas or "patently illegal race



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norming — putting minorities in a separate pool, judging them only against other members of the pool, and accepting a certain (even if indeterminate) number of them.”

### **Asians Harmed — And So Are Blacks**

[Clegg and Rosenberg](#) [aver](#) that diversity also constitutes racial profiling and that “ending these preferences would benefit Asians at least as much as whites.” They cite a [study that showed](#) if “highly selective schools” [ended affirmative action](#), “Asian students would fill nearly four out of every five places in the admitted class not taken by African-American and Hispanic students, with an acceptance rate rising from nearly 18 percent to more than 23 percent.” Yet ending affirmative action wouldn’t much help whites. The rate at which they are accepted would increase only 0.5 percent. In other words, diversity policies offer nothing to Asians but the shaft.

On the other hand, repealing diversity policies helps Asians more than it helps whites. When Californians passed [Prop 209](#) in 1996, which ended race preferences for admission to universities in the Golden State, “The proportion of white freshmen entering the University of California at Berkeley, for example, fell from 40 percent in 1997, the last year of legal preferential admissions, to 34 percent in 2005; meanwhile, the proportion of Asians entering Berkeley increased from 34.6 percent in 1997 to 42 percent in 2006.”

Because of the rapidly changing demography of the United States, it is less and less likely that a white student will lose out to a black student in the name of “diversity” than an Asian student will lose out to a Latino one.

Clegg and Rosenberg note that [several Asian organizations have sided](#) with Fisher in her case against UT.

But diversity ideology and affirmative action also harm their intended beneficiaries. Studies show that “minorities who receive preferential treatment in admissions cluster in the bottom 10 percent of their classes and have much lower grades, graduation rates, and bar passage rates than their non-preferred peers. In fact ... there are actually fewer black lawyers, engineers, and other STEM [Science, Technology, Engineering, and Math] professionals than there would have been absent the preferences.”

An impressive new contribution to the growing “mismatch” literature published recently by economist [Peter Arcidiacono and two of his Duke colleagues demonstrates one](#) of the sad effects of admitting black students to Duke whose SAT scores are, on average, one standard deviation lower than other students: Although a higher proportion of black than white males entered Duke with an intention of majoring in one of the hard sciences or economics, a far higher proportion of blacks than whites changed to easier majors before graduating. “Had those minority students who gave up their science aspirations taken Introductory Chemistry among students with similar levels of academic preparation,” [Heather Mac Donald concludes](#) in a thorough discussion of the Duke study and its implications, “they would more likely have continued with their original course of study” and gone on to STEM careers.

Another harmful effect of diversity is that it reinforces racial stereotypes. “There are two popular but inconsistent defenses of ‘diversity,’” the [authors write](#). First, whites benefit from exposure to blacks because they are “of a different color or ethnic background.” Second, “there is something important for whites to gain from being exposed to people who are not just different from themselves in appearance but also in daily experience.”



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But here's the problem, the [authors aver](#). Teaching a white student — and “potential bigot” — that “race and ethnicity don't matter” and bigotry is wrong depends upon being “surrounded by students who really are similar to him in ability.... If the preferentially admitted minorities are less qualified than the nonminorities, the bigot's attitudes will be reinforced, not eroded. And, of course, the first possibility is inconsistent with the second — that is, the argument that minorities are in fact different inside from nonminorities.”

Thus, diversity's principal goal, tolerance of other racial groups, “is undermined when there is a pronounced gap in the academic ability of members of different groups on campus, as when admission preferences are used.”

Diversity ideology is also illogical, the [authors argue](#). Its underlying rationale is more minorities must be admitted to universities so white students can learn that minorities are no different from whites. Yet it also says minorities must be admitted in greater numbers because the educational experience of whites is not complete without exposure to those who are different.

### **Falling Back on MLK**

Unhappily, the [authors fall](#) into the same trap as many conservatives. They argue that diversity policies somehow trespass Martin Luther King's professed “[dream](#)” of a “colorblind society.” The implicit suggestion is that King would oppose diversity ideology and the anti-white, anti-Asian racial discrimination that underpins it.

In fact, King [strongly supported](#) not only such leftist social engineering but also monetary reparations for blacks to compensate for past discrimination. [During an interview](#) with *Playboy* magazine, King [called](#) for hiring preferences for blacks, as well as \$50 billion in reparations for the mistreatment blacks suffered throughout American history.

Photo: [portrait of a pretty Asian college student on campus](#) via Shutterstock



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