

OPINION

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The Real College Admissions Scandal:

Blaming affirmative action

BY JESSICAH PIERRE

In what's being called the largest college admissions scam ever, a number of wealthy parents, celebrities, and college prep coaches have been accused of offering large bribes to get rich students into Ivy League schools, regardless of their credentials.

The parents facing charges allegedly paid up to \$6.5 million to get their kids into college.

Shocking as it is, this is hardly a new phenomenon in higher education. Wealthy and privileged students have always had an upper hand in being accepted to presti-



gious universities.

They're called "legacy preferences."

"Many U.S. colleges admit 'legacies,' or students with a family connection to the university, at dramatically higher rates than other applicants," The Guardian explains, because "they are widely seen as a reliable source of alumni donations."

Some of our country's most prominent figures have benefited from legacy preferences. When applying to Harvard, future president John F. Kennedy noted that his father was an alumnus. And although his academic record was unspectacular, he was admitted into the Ivy League school.

The same can be said for George W. Bush, whose father and grandfather graduated from Yale. Despite his "lackluster grades," The Guard-

ian reported, Bush was accepted.

This overt — and legal — preference for the wealthy and powerful goes back at least a century. Yet when the children of middle class families are denied admission, some families have laid the blame on affirmative action programs for students of color, who've historically faced discrimination.

As the college admissions process becomes more competitive, campaigns against affirmative action have revved up immensely. In 2016, Abigail Fisher challenged the University of Texas at Austin's race-conscious admissions program after being rejected when she applied for a university program designed for the top 10 percent of her class.

Despite not having the credentials to get into the program, Fisher cited affirmative action as the reason why she was denied. In other words, she claimed she was being

discriminated against because she was white. Her case made it all the way to the Supreme Court, which ruled that affirmative action is in fact constitutional and doesn't hurt white students.

In fact, even with programs like affirmative action, according to the National Center for Educational Statistics, racial divides at universities still remain. While college enrollment is increasing across the board, it found that enrollment rates for college-aged white students (42 percent) remain higher than for both black students (36 percent) and Hispanic students (39 percent.)

Meanwhile, a 2018 analysis of Harvard's admissions process found that legacy applicants were accepted at a rate of nearly 34 percent from 2009 to 2015. That's more than five times higher than the rate for non-legacies over the same six-year period: just 5.9 percent.

It's clear that students like Abigail Fisher are picking the wrong fight when it comes to discrimination in the college admissions process.

The high-level of corruption of legacy admissions hurts the majority of students, regardless of race. So too do the parents spending millions on bribes. But that's how inequality thrives.

Today's college admissions scandal is just another illustration of the rich encouraging working- and middle-class people to turn against each other — and blame people of color — while they quietly rig the game for themselves.

Instead of pointing the finger at each other, the victims of these manipulations should come together to take the monster of economic privilege down.

Jessicah Pierre is the inequality media specialist at the Institute for Policy Studies.

Prosecutors Discriminate in Jury Selection

This is a case Supreme Court should take up

BY CASSANDRA STUBBS

It has long been settled that prosecutors may not dismiss citizens from a jury because they are black. But can they dismiss them because they supported the verdict in the O.J. Simpson case?

That's a question the U.S. Supreme Court may soon take up after the California Supreme Court treated a prosecutor's invocation of a juror's views on the Simpson verdict as a "race-neutral" reason that justified the dismissal of a black juror.

If the rule forbidding race dis-

crimination in the selection of jurors is to have any real effect, such reasons cannot be accepted as race-neutral without further inquiry.

As everyone knows, opinions about the verdict in O.J. Simpson's trial in the late 1990s divided overwhelming along racial lines. A CNN poll following the verdict showed that just 41 percent of white respondents agreed with the verdict, compared with 88 percent of black respondents.

In several capital murder trials in the wake of the Simpson verdict, California prosecutors exploited this racial divide by questioning prospective jurors about their opinions of the trial. Then they cited black jurors' acceptance of the

Simpson verdict as a "neutral" basis for striking them from the jury, often resulting in trials of black defendants by all-white juries.

Now the U.S. Supreme Court will have a chance this spring to decide whether this practice can be squared with the Constitution's protection against racial discrimination in jury selection.

The question arises in the case of Floyd Smith, a black California death row prisoner who was convicted and sentenced to death in 1997 for murdering a white teenager in San Bernardino County. Smith was arrested in Fontana, a town that had an active KKK presence. He was represented by two black defense attorneys, and the defense team was subjected to vandalism and racial threats over the course of the trial.

The prosecution struck all four prospective black jurors from

Smith's jury. When the defense objected to this pattern as racially biased, the prosecutor offered a laundry list of justifications that he said were proof that his objections had nothing to do with the jurors' race. Prominent on his list was the fact that the jurors accepted the O.J. Simpson verdict, even though he had accepted multiple white jurors who also agreed with the Simpson verdict.

Under settled case law, if there is sufficient evidence suggesting that a prosecution's strike of a juror is racially biased, the prosecution must offer a "race-neutral" explanation. The judge in Smith's case ruled that the jurors' approval of the O.J. Simpson verdict was a sufficiently race-neutral explanation to uphold the removal of the black jurors. After his trial and conviction, Smith appealed, and the California Supreme Court, too, accepted the prosecution's reliance on views about the O.J. Simpson verdict as a "race-neutral" explanation.

The California Supreme Court did not question whether the prosecutor's use of views about the O.J. Simpson verdict was a proxy for race discrimination. What's more, this is the fourth time that the court has rubber-stamped the prosecution's practice of striking black jurors based on their opinions of the Simpson trial.

This is not the only instance of

prosecutors removing black jurors in capital cases based on suspect explanations that are closely correlated to race.

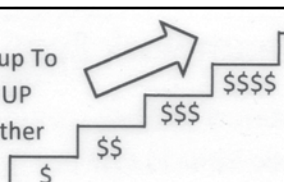
Lower courts are also divided about whether residence in a racially identified neighborhood is a "race-neutral" justification. One federal court rejected a California prosecutor's argument that living in Compton is a race-neutral justification, but another accepted a prosecutor's objection to a juror's residence in Newark, which the prosecutor called a "drug trafficking" neighborhood. The Washington Supreme Court recently adopted a rule declaring a prosecutor's reliance on a prospective juror's neighborhood presumptive proof of discrimination.

The U.S. Supreme Court is now considering whether it should take Smith's case. It should. The Supreme Court has insisted that it is committed to jury selection free from discrimination. But that commitment is paper-thin if the court permits prosecutors to cover over racially discriminatory strikes of jurors by pointing to such factors as their residence in a black neighborhood or their approval of the verdict in O.J. Simpson's case.

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