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WHY WON'T ELITE COLLEGES DEPLOY THE ONE RACE-NEUTRAL WAY TO ACHIEVE DIVERSITY?

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In the aftermath of the Supreme Court's dismantling of affirmative action programs, many wondered just what colleges would do to try to achieve racial diversity in their student bodies.

But it's no mystery. Though the court explicitly warned not to "simply establish through application essays or other means the regime we hold unlawful today," Harvard, the defendant in one of the two cases, seemed to prefer to focus on another passage of the Court's decision: a caveat that said schools may consider "an applicant's discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise." Harvard's official statement quoted the perceived loophole and responded, somewhat mischievously: "We will certainly comply with the Court's decision."

There is a long history of such workarounds to affirmative action bans, dating back 25 years to when the University of California was prohibited by California voters from considering race in admissions. Michigan voters forced the same on their public universities 10 years later. Both university systems, with very selective flagship schools, have taken numerous measures to attempt to diversify their campuses, according to both the amicus briefs they filed in support of Harvard and University of North Carolina (the other defendant) and to the researchers who have studied them.

UC and UM changed their admissions questions, developed outreach programs and made their admissions processes more complex and (their term) "holistic." These methods were, to differing degrees, creative, expensive and legally fishy. They were also unsuccessful: By the schools' own admission, no combination of these workarounds worked to enroll the number of underrepresented minority students the universities sought. Clearly, if these workarounds had worked, they would not have filed the amicus briefs in support of race-based preferences.

And yet, elite schools now facing an affirmative action ban for the first time are soon to follow in their footsteps, encouraged by Biden's Department of Education to enact the same playbook of marginal adjustments.

There's only one race-neutral method that would work to increase racial diversity on selective college campuses, and it happens to align with the supposed social-justice goals of highly selective schools: giving a clearly defined, substantial boost to low-income applicants. Neither the University of Michigan nor the University of California embraced that method, and so far, it seems likely that no other university will try it either.

Why would schools ignore a winning alternative? Embracing that method would make their student bodies slightly less academically elite (in terms of grades and test scores). It's also a bit more expensive. But most problematically, giving a large, well-advertised boost to low-income students reduces their precious, complex and labor-intensive "holistic" admissions process to a simple bunch of pluses and minuses. And they won't have that.

When UC and UM first confronted the reality they could no longer simply rely on an applicant telling them what their race was, they had to figure out new ways to identify diverse students.

"The kids are out there. And you'd have to find them." That's what the director of the Georgetown University Center on Education and the Workforce, Anthony Carnevale, told me about the challenges of locating qualified Black, Latino and Indigenous (all referred to as "underrepresented minorities" in the admissions community) applicants whom schools would need to recruit to fulfill diversity goals.

Outreach was the obvious choice. The schools figured that by showing up at schools in poor areas, they could encourage promising underrepresented-minority students to apply in greater number, either through new recruitment programs that show up on the application, or even just with a certifiably Black (or Latino)-majority high school listed on the application.

After the affirmative action ban was instituted in California, the University of California immediately doubled its outreach budget from $60 million to $120 million. According to the university system, post-affirmative-action outreach programs have cost the University of California over $500 million dollars. University of Michigan also implemented several outreach programs after Michigan banned affirmative action in 2006, which range from placing UM graduates as college advisers in "underserved" high schools to giving scholarships for summer academic programs for high schoolers.

Though well-financed, the outreach programs have little to show for themselves. It turns out there were not a great many students doing well enough to get into the very selective campuses at University of Michigan or University of California without affirmative action, who also had no idea that the schools existed. In the case of the University of California, its enormous outreach budget didn't last very long, getting tabled only a few years after it was implemented, without any sign of declining underrepresented minorities as a result of the termination. Zachary Bleemer, an economist who has studied UC admissions after affirmative action, told me "the outreach efforts are widely believed to have had very little or essentially no impact on undergraduate admissions in the state."

Though outreach was the state universities' most expensive attempted workaround, it was not their only one.

The Universities of California and Michigan also reached for a much blunter tool: essay questions. Because no law or court could conceivably prevent a student from writing about their own race-related adversity, the universities unsubtly urged applicants to describe their racial struggles as part of their application.

After California's ban, UC Berkeley's law school changed its essay questions from "ten short unconnected prompt options for the personal statement, eight of which did not refer to diversity or disadvantages" to "a single lengthy one that invited applicants to discuss their contributions to 'the diversity of the entering class' and their backgrounds, including 'a personal or family history of cultural, educational, or socioeconomic disadvantage.'" That's according to a paper by Danny Yagan, another economist who has studied how affirmative action bans changed UC admissions.

Carnevale has studied affirmative action extensively for the Georgetown University Center on Education and the Workforce. For him, a system that begs students to describe how they've overcome their struggles is "sort of repulsive, making kids sit down and defame their family, their neighborhood, their community and God knows what else." Earlier in Carnevale's career, he went to a D.C. jail to help kids with their applications. "I started talking to them trying to help them out and I did two conversations and never did it again. Because you go through this process of saying, 'Your life is really awful. Tell me about it.' It's almost pornographic. Because their lives were awful."

The first required question for undergraduate applicants at University of Michigan attempts to avoid making them detail their struggles by instead just hoping they say their race: "Everyone belongs to many different communities and/or groups defined by (among other things) shared geography, religion, ethnicity, income, cuisine, interest, race, ideology, or intellectual heritage. Choose one of the communities to which you belong, and describe that community and your place within it. (Required for all applicants; minimum 100 words/maximum 300 words)"

Selective colleges nationwide have begun to follow in the footsteps of Michigan and California when it comes to admissions questions. Harvard uses a new question that asks how applicants will contribute to its diversity. Gone is Brown's 2022 question prompting applicants to talk about a time they were challenged by a different perspective, but they've got a new question asking them to reflect on being inspired or challenged by their upbringing. When I asked Brown's representatives why they made this change, their spokesperson Brian E. Clark told me "the Supreme Court's ruling was one factor among many."

Johns Hopkins suddenly decided to require all applicants to "Tell us about an aspect of your identity (e.g.,

race, gender, sexuality, religion, community, etc.) or a life experience that has shaped you as an individual and how that influenced what you'd like to pursue in college at Hopkins." When I asked them why they added this question, their media and admissions teams made sure to direct me to a note on their website under the question that explicitly says that "the U.S. Supreme Court recently limited the consideration of race in college admissions but specifically permitted consideration of 'an applicant's discussion of how race affected his or her life.'" The note clarifies, "therefore, any part of your background, including but not limited to your race, may be discussed in your response to this essay."

And there's Sarah Lawrence's new and blunt optional question: "In the syllabus of a 2023 majority decision of the Supreme Court written by Chief Justice John Roberts, the author notes: 'Nothing prohibits universities from considering an applicant's discussion of how race affected the applicant's life, so long as that discussion is concretely tied to a quality of character or unique ability that the particular applicant can contribute to the university.' Drawing upon examples from your life, a quality of your character, and/or a unique ability you possess, describe how you believe your goals for a college education might be impacted, influenced, or affected by the Court's decision." Columbia Law School seemingly opted to sidestep these games by simply asking its applicants to submit a video statement (in which the applicant's race would presumably be visible). When Aaron Sibarium, a reporter at the Washington Free Beacon, asked officials for a comment before he wrote about the new policy, Columbia removed the request for video statements from its website and told the Free Beacon, "It was inadvertently listed on the Law School's website and has since been corrected."

The admissions officers hope that these questions inspire underrepresented-minority students to reveal their race, so the admissions officers don't have to guess. **As Brian Taylor, an elite college counselor told me about admissions officers at UC and UM (who pioneered this strategy), "they're trying to create the class that they wish to see, so they're never going to write a note on the application that this is a Black student, but if they suspect it's a Black student, yeah, they're looking to admit that student."**

Colleges know that this wink-and-nod game — mouthing "please tell us your race" at their applicants — might be illegal. As Carnevale recounted, "One college president has said to me seriously … 'There are red lights, yellow lights, and green lights going forward with this decision. We've got to focus on the yellow lights. What can we get away with?'"

It's not just that president. Carnevale told me, "In a couple of meetings I've been in, a couple people have said, 'Maybe we want to be sued.' You know, if you're a university where the slaves built the building, maybe you do want to be sued just to make a statement."

Maybe they'll get what they're asking for. When I sent a selection of the new essay questions to Edward Blum, the founder of Students for Fair Admissions, the plaintiff in the Harvard and UNC cases, he sent me back the following statement: "Students for Fair Admissions is closely monitoring the newly implemented

essay questions, as well as other admissions policies, at dozens of competitive universities. As the Supreme Court has written, direct racial proxies that are little more than racial classifications in admission decisions will violate the law. It is important to note that college administrators who are proven to have engaged in racial discrimination are subject to personal liability and personal risk under section 1983 of our nation's civil rights laws."

But what the colleges might not realize is that even if the questions are allowed to stand, they simply don't work as they might think at attracting the students they're seeking. Michigan added their identity question during the 2010-2011 application cycle. In 2010, the percentage of Black undergraduates at University of Michigan—Ann Arbor (the flagship) was 4.78. In 2015, after four years of the essay question, that percentage had dropped to 4.61. Why is that? For one, not all underrepresented minority students even know whether they are allowed to talk about racial struggles in their applications. And white people and Asians (the overrepresented minority) know very well how to describe their struggles. In fact, as a recent paper revealed, these nonacademic qualifications, like essay questions, are exactly the kind that richer students (disproportionately white and Asian) excel at, partly because wealthier applicants are often getting a great deal of help.

Taylor, a managing partner at the college admissions consultancyIvy Coach, is such help. His firm once charged a mother $1.5 million to help her daughter get into elite colleges. Though his price is higher than most (another counselor called such prices "silly"), there's no denying that rich parents go to great lengths to ensure their students write essays that admissions officers like, ones that make them stand out regardless of their race. According to Taylor, for Asian applicants, it's not about hiding your race, but it is partly about not having the "stereotypical profile associated with the race, like you know, excelling at math and science but not English, history or foreign language or, you know, playing the piano or playing the violin, then doing Taekwondo."

But if the questions don't work, is there anything actually race-neutral that selective colleges could do to get their diversity numbers up?

There is the much-touted top percent plan, first used by University of Texas in 1997, which works by automatically admitting students who finish in a certain stratum of their high school class. The program started by admitting the top 10 percent to UT-Austin but it has since shrunk to 6 percent as the state grows and the college grows more slowly. Blum, of Students for Fair Admissions, spoke positively about this type of plan in an interview with the *New York Times*

That's surprising, given the program works by effectively discriminating against students for where they live because where a student lives happens to correlate with race. The University of Texas pursued this program because they have enough de facto (and before that, de jure) residential segregation to make it work. If you guarantee spots to 10 percent of high schoolers in public schools in South Texas, you'll end

up with plenty of Latino students. If you guarantee admission to high schoolers in public schools in Houston or Dallas' southern suburbs, you'll end up with enough Black students.

But in states where the racial geography renders this switcheroo less workable, top-percent plans wouldn't increase racial diversity, so they aren't pursued. This is the story in Michigan, where the vast majority of high schools are very white, so a top-percent policy wouldn't attract more underrepresented minorities. According to Rick Fitzgerald, the associate vice president for public affairs at University of Michigan, "There just weren't enough high schools with majority minority students so that it would achieve the goals."

And while this proxy supposedly works for the University of Texas, it is clearly impossible for the most elite private schools, which have small enrollments. With more than 20,000 high schools nationwide, the entire Ivy League combined could not accommodate even the valedictorians alone, much less the top 5 or 10 percent of every high school.

There is, however, one presumably legal, totally feasible workaround to the loss of affirmative action that America's selective schools could pursue immediately: They could give a big leg up to students who come from low-income families.

According to Richard Kahlenberg — a former fellow at the progressive The Century Foundation, and then an expert witness on the side of Students for Fair Admissions against Harvard — the Ivy League school could achieve its diversity goals with a few simple measures: End preferences for legacies and applicants with exceptionally rich, potential donor parents. Instead, provide a boost (half the size that recruited athletes get) to students from socioeconomically disadvantaged backgrounds.

For Kahlenberg, this possible solution — that low-income applicants just get a leg up the way Black applicants (or recruited athletes or legacies) have gotten one — has long animated his distaste for affirmative action, telling me that he thinks "the decision will be a win for low-income and working-class students of all races."

Independent research backs up this solution's feasibility, and makes it clear it could apply to more schools than just Harvard. A recent study by Georgetown University's Center on Education and the Workforce concluded that if the top 193 most selective colleges ignored race but rather "admitted students whose academic performance exceeded expectation based on their family's socioeconomic status and other non-race-based factors associated with educational advantage and disadvantage," the percentage of Black and Latino students at these schools would go up, although the percentage of Indigenous students would likely drop from 0.3 percent to 0.2 percent.

This solution also seems legal. According to Blum, who is by far the biggest threat to selective schools and their admissions policies, "It would not be illegal as long as the low-income preference [is] applied to all

applicants, regardless of race."

This fact — that colleges could get more underrepresented students by preferring more disadvantaged students of all races — is what led Kahlenberg to tell me confidently that "we'll see universities give a more meaningful admissions boost to economically disadvantaged students of all races."

But schools may not be so eager to pursue this.

For one, it would hurt their average academic credentials. The Georgetown simulation showed that the median SAT score at the most selective 193 schools would drop from 1240 to 1210 and the median high school GPA would fall from 4.03 to 3.92. Kahlenberg's Harvard simulation showed SAT scores at Harvard dropping from 99th percentile to 98th percentile, leading Cameron Norris, the lawyer for Students for Fair Admissions, to tell Justice Sonia Sotomayor, "That's moving Harvard from Harvard to Dartmouth. Dartmouth is still a great school."

Another issue is cost. Letting in more poor students means letting in more poor students, and while elite schools can easily cover increased financial aid, not all selective schools could do so without having to dip into their endowments or raise more money, which, according to Carnevale, they are not going to do. "In the end," he said, "the business model governs."

Implementing preferences for low-income students that are big enough to restore the schools' diversity would be dramatic. If you know that only 20 percent of the poor applicants you admit will be Black, and you want to have 50 more Black students, you would need to admit 250 more poor applicants of all races. In Kahlenberg's Harvard simulation, where he modeled a large boost to low-income students instead of affirmative action, the percentage of underrepresented minority students went up from 28 percent to 30 percent, but the percentage of first-generation college students rose from 7 to 25.

Elite schools, though, don't seem likely to simplify their admissions process in this way. They have a self-image as participants in a "holistic" admissions process, a black box that can't be explained with simple pluses and minuses. Of course, it helps in college admissions to have a compelling story, or to have good grades, but admissions officers have been able to maintain the mystery for years by asserting their college admissions are complex and irreducible. And they aren't keen on parting with that any time soon, even if it means keeping their diversity up.

According to Han Mi Yoon-Wu, the executive director of undergraduate admissions at the Office of the President at University of California, UC doesn't favor low-income students at all, despite it being an obvious way to boost underrepresented enrollment given that they can't consider race. "It's not a plus factor necessarily to be poor," she told me. She argued that there wasn't even such a thing as an admissions boost, since the process is so complex and "comprehensive." When I asked her if it was a plus to have a higher GPA, she said, "Not necessarily." And when I asked her to compare two students at the

same high school, one with a higher GPA than the other, she said that applicants are not compared in the admissions process.

Here's a secret: Once you're in, elite college is not especially difficult. The average GPA at Harvard is 3.8 out of 4.0, meaning the average student receives an A or an A- in every class, despite Harvard saying that A's are reserved for "extraordinary distinction." With graduation rates in the mid- to high-90s, it is nearly impossible to flunk out of an elite school, even if organic chemistry or a few other classes remain arduous.

Though attending an elite school is not as challenging as many might imagine, it is valuable. As one recent study by Opportunity Insights concluded, going to an elite school increases your chance of being in the top 1 percent of earners. For most students, either their family or their financial aid covers the vast majority of their tuition, so they are given four years of fun at a small (or zero) cost to them, and they graduate with a high-paying, prestigious job, or at the bare minimum, an amazing network they can soon use to get one. Students aren't the only ones who benefit. Professors at elite schools are paid well (average salaries at the most elite schools are well over $200,000 a year) and administrators get to have desk jobs in pretty places.

But this win-win-win rests on a certain reputation for these schools, one that they go to great lengths to preserve. This great deal requires good PR, so that high-performing students will continue to apply. It requires actually having graduates who are highly productive, so that employers don't feel tricked by the fancy name on someone's degree. It requires rich, well-connected kids whose parents pay for the school, or better yet, donate, so that the administrators and professors can be paid, the financial aid can be awarded, and the endowment can be increased endlessly.

A "holistic" admissions practice makes the whole thing easy because it gives admissions officials the leeway to accept students to satisfy different goals to different degrees, and nobody needs to know which students are fulfilling which goal, and officials never have to articulate which of the goals is more important.

Elite schools don't want to participate in a system where all they get to do is select the smartest possible future leaders, and they don't want a simple formula giving a well-defined boost to low-income students. They want to pick and choose students using their own criteria and they want not to be challenged about who gets in and why.

And when affirmative action has been taken away from elite schools in the past, they stick to that script and make only small tweaks to the whole process, retaining the confusing morass of admissions while only marginally adjusting the process to make it easier to take the kids they favor for whatever secret reason. The UCs no longer consider test scores at all, further slimming the chance that we ever have any idea how they select the students upon which to spend their $47 billion of public money.

As Yoon-Wu told me, “Using, a single criteria, again, would be not appropriate in our comprehensive review. So, additional weighting on particular factors like low-income status is not how [UC] campuses are conducting their admissions.” Low-income students won’t get a leg up if admissions officials can’t even conceive of a framework where it would be possible, even if it unquestionably is.

Perhaps the day is coming when Rick Kahlenberg’s dream comes true, where colleges get rid of legacies and dean’s list for rich donor parents and instead give a large admissions bump to kids from poor families. But it’s not coming any time soon.

If their diversity plummets, they’ll blame the Supreme Court.

As Carnevale told me, “When I think of [selective] colleges, the word courage doesn’t come to mind.”