

# Race to the Courthouse

By Reg P. Wydeven  
October 24, 2012

Last week I wrote about Gerald and Lily Chow, a couple from Hong Kong who sued Mark Zimny, an educational consultant they hired, for failing to get their two sons admitted to Harvard. As I mentioned, students and their families are using extreme measures to get into prestigious schools. And when they don't get in, they're looking to place the blame on someone.

In the Chows' case, they paid Zimny more than \$2 million for a ticket to Harvard. Zimny allegedly used their money to make donations to Ivy League schools to up the kids' chances of admission.

According to the Chows, Zimny claimed that "because of 'embedded racism,' there is resistance among the schools from becoming 'too friendly with Asian donors,' and that there is 'an unwritten presumption that donations are expected from full-pay foreign students.'"

Abigail Fisher is also a disgruntled student who claims that her race impacted her ability to get into her target college, the University of Texas at Austin. The 22-year-old white woman longed to be a Longhorn, but UT rejected her application in 2008.

As a result, she sued the school, arguing that she is a victim of reverse discrimination. She alleges that UT's practice of considering an applicant's race as part of its admissions process does not meet standards previously set by the U.S. Supreme Court.

The standards Fisher refers to were established in Grutter v. Bollinger, where the Supreme Court set a precedent for the use of affirmative action in college admissions in 2003, by rejecting the use of racial quotas in college admissions. The Court held, however, that schools could consider race as part of a "holistic" review of a student's application.

Fisher's case was also heard by the Supreme Court in mid-October. The Court's decision could impact admissions methods for colleges across the country.

In her brief to the Court, Fisher's attorneys contend that UT's consideration of race in the admissions process is "purely representational," meaning the school is merely attempting to have the school's demographics mirror those of the state. Fisher alleges that UT strives to attain "classroom diversity," which can only be accomplished if race is a "dominant" factor in admissions. Fisher does not want race to factor at all in the admissions process.

UT argued in its brief that it does consider race because a diverse student body is an indispensable part of training future leaders with "invaluable educational benefits." The school is adamant, however, that its admissions process meets the standards set in Grutter and other cases.

The Supreme Court received 90 amicus briefs from dozens of individuals and organizations who share their input on the case – 17 in support of Fisher and 73 in support of UT.

Like the Chows' sons, Fisher graduated, just not from the school she wanted to, as she got a degree from Louisiana State University. At least her school got to play in the BCS Championship Football Game last year.