

April 11, 2022

Re: ACLU Urges Cosponsorship of the Fair College Admissions for Students Act, S.3559

Dear Senator:

The American Civil Liberties Union strongly urges you to cosponsor the Fair College Admissions for Students Act, introduced by Senator Jeff Merkley as S.3559, which would ban the practice of legacy admissions at colleges and universities that participate in federal student aid. More specifically, this legislation would amend the Higher Education Act of 1965 to prohibit the practice of preferential admissions for students based on their relationship to donors or alumni, except in the case when such practice protects underrepresented students within a Historically Black College or University (HBCU) or other Minority-Serving Institution (MSI).

The Fair College Admissions for Students Act would address long-standing perpetuation of systemic inequality in admissions preferences that disproportionately benefits white, wealthy, and well-connected students while further disproportionately marginalizing Black, Indigenous, Latinx, first generation, and low-income students.

Legacy and donor preferences admissions policies in higher education reinforce long-standing economic, social and educational disparities between white students and students of color. At top universities, students of alumni that benefited from legacy status are predominantly white and come from the wealthiest 20% of households.¹ Admissions rates for white legacies greatly outnumber admission rates for Black students, with legacies making up 10% to 35% of available student admissions at competitive colleges.² At Harvard, for example, the average admissions rate for legacies between 2014-2020 was 33%.³ At Princeton, there was a 33% legacy admission rate in 2020. By contrast, the admissions rate for Black students in 2020 was only 5% at Harvard and 6% at Princeton and Yale.⁴ Wealthy white students whose family members have college



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¹ Michael Dannenberg, Memo on Elite College Admissions, Education Reform Now (Jun. 26, 2018), <https://edreformnow.org/wp-content/uploads/2018/07/Admissions-Background-Memo.pdf>.

² Jennifer Giancola and Richard D. Kahlenberg, *True Merit: Ensuring Our Brightest Students Have Access to Our Best Colleges and Universities*, Jack Kent Cooke Foundation (Jan. 2016), <https://www.jkcf.org/research/true-merit-ensuring-our-brightest-students-have-access-to-our-best-colleges-and-universities/>.

³ *Id.*

⁴ Delano R. Franklin and Samuel W. Zwickel, *Legacy Admit Rate Five Times That of Non-Legacies, Court Docs Show*, THE HARVARD CRIMSON (Jun. 20, 2018), <https://www.thecrimson.com/article/2018/6/20/admissions-docs-legacy/>.

degrees are already at an advantage in the college application process due to their understanding of the process and their ability to afford preparatory services, such as SAT tutoring or attendance at private secondary schools. First generation, low income, and underrepresented students who do not have these same privileges are already facing substantial barriers to entry at these institutions. Ending legacy preferences is a key step in bridging that divide.

The antisemitic origins of college admissions based on legacy status should serve as a reminder that this practice was designed to be exclusionary. The practice was first implemented following World War I, when Jewish immigration to the US was peaking. Since Jewish students often outcompeted white Protestants in admissions, the most selective universities used legacy admissions preferences to limit enrollment of Jewish students.⁵ Despite its racist origins, legacy preferences continue today – now predominantly excluding BIPOC, first generation, and low-income communities. A clear example of a systemic barrier to educational opportunities, legacy admissions have set Black and Latinx students back for decades.

Ending legacy admissions is a key step in working to end systemic racism within policies and practices that are deeply entrenched into America's institutions of higher learning.

Please support equal opportunities for applicants to leading colleges and universities. Contact Jackson Thein at Jackson_Thein@merkle.senate.gov to cosponsor S.3559. If you have questions about the ACLU's endorsement of the Fair College Admissions for Students Act, please contact me at cmoreno@aclu.org.

Sincerely,



Christopher E. Anders
Federal Policy Director



Carlos Moreno
Senior Campaign Strategist and Advisor

⁵ Deborah L. Coe and James D. Davidson, *The Origins of Legacy Admissions: A Sociological Explanation*, 52 REVIEW OF RELIGIOUS RESEARCH, 233 (Mar. 2011), <http://www.jstor.org/stable/23055549>.