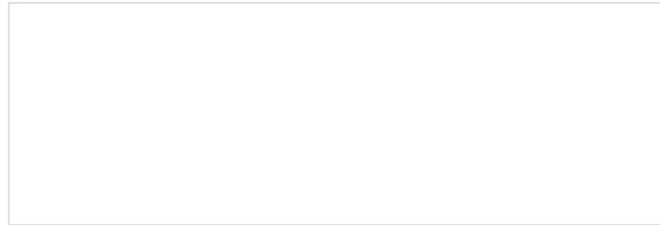


# EXHIBIT 219

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## Ed. Department Clears Harvard

*Government Accepts Harvard's 'Legacy-Athlete' Explanation*

By PHILIP P. PAN, October 6, 1990

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In the end, there was no smoking gun, no obscure piece of evidence showing that Harvard used quotas to keep Asian Americans out of the College.

Instead, after reviewing thousands of applications, 10 years of data and countless interviews with admissions officers, the Department of Education found that Harvard had been right all along: Asian Americans are admitted at a lower rate than whites because children of alumni and recruited athletes--groups that include few Asian Americans--are given a preference in the admissions process.

Thus, the Department's probe into Harvard's admissions policies ultimately came down to a question of judgement: should Harvard be allowed to follow policies that effectively limit the number of Asian Americans admitted to the College?

In its seven-page report to President Derek C. Bok, the Department answered with an unequivocal "yes."

"While these preferences have an adverse affect on Asian Americans, we determined that they were longstanding and legitimate, and not a pretext of discrimination," said Assistant Secretary for Civil Rights Michael Williams in a prepared statement.

But that response left a few scholars, students and interest groups thinking that the Department had hidden behind the law, turning its back on a clear-cut case of wrongful discrimination.

"There's a difference between what is legally right and what is morally correct," said Professor of Law Alan M. Dershowitz, a noted civil liberties expert. "There is no question that Harvard is wrong... The legacy admissions just perpetuates racism."

"We believe the preferences that Harvard uses--in particular the legacy preference and the recruited athlete preference--are tantamount to affirmative action for whites, and it perpetuates the white establishment," said Kathy O. Turner, acting executive director of the San Francisco-based group Chinese for Affirmative Action.

All along, Harvard officials have cited several facts to counter the discrimination charges.

They noted that Asian Americans now make up nearly 20 percent of the class, far more than they did a mere decade ago.

During the investigation, officials also revealed that applications from Asian-American students are given an extra reading by an admissions officer sensitive to Asian-American cultures and experiences. And if an applicant could show that Asian American ethnicity played a significant role in his or her life, it could make a difference in admissions, Harvard said.

But upon further examination, the Department found that athletes and legacies were receiving significant boosts in the admissions process, far more than Asian Americans.

The Department said it "found little or no evidence of an ethnic 'tip' being given to Asian American applicants. There were no readers' comments that suggested that an applicant's Asian ethnicity was a significant or important factor in deciding to admit the applicant in the same way that being a legacy or a recruited athlete was instrumental in admitting applicants."

"While the various 'tips' or preferences could not be weighed or defined precisely, it was clear that the ethnic tip for Asians was significantly less instrumental than 'tips' for legacies and recruited athletes in the determining whether or not to admit an applicant," the report continued.

Nonetheless, the Department concluded the decision to give a "tip" to Asian Americans was a matter of institutional policy, and that failure to do so did not violate the Civil Rights Act of 1964.

But for advocates like Dershowitz, that line of defense is just a means to disguise wrongful discrimination.

"[Asian Americans] clearly get a big whack--not a tip--in the direction against them," said Dershowitz. "Harvard wants a student body that possesses a certain racial balance."

"I think the report was sloppy," Dershowitz added. "I have absolutely no faith in the Harvard system of admissions."

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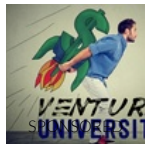
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