

Testimony Regarding LD 1285

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Thank you for the opportunity to testify about LD 1285, an Act to Prohibit the Consideration of Legacy Preferences and Donor Preferences in Postsecondary Educational Institutions Admissions. My name is Richard D. Kahlenberg. I am the Director of the American Identity Project at the Progressive Policy Institute in Washington D.C. and editor of *Affirmative Action for the Rich: Legacy Preferences in College Admissions* (2010). I am speaking on my own behalf and not on behalf of the Progressive Policy Institute.

I am pleased that the Maine legislature is considering a bill to ban legacy and donor preferences, as those practices violate American ideals of merit, social mobility, and civil rights. Moreover, the justifications offered in support of such policies do not hold up to scrutiny.

Legacy preferences are a sordid business, which began in the early 20th century as an effort to [cap Jewish enrollment](#) at selective college. Today, they disproportionately harm communities of color because Black and Hispanic parents of today's student applicants were underrepresented at most selective colleges, even with affirmative action programs in place. Legacy preference undermine merit because they award students based on ancestry, not hard work and talent.

And legacy preferences reduce social mobility, because they harm first-generation college students whose parents are not alumni of prestigious colleges and universities. Even among the children of college graduates, legacy preferences benefit the wealthy. According to a Harvard Crimson [survey of the class of 2019](#), 41 percent of legacies at Harvard came from families making more than \$500,000 a year, compared with [15 percent of students in the class overall](#). Just [1 percent](#) of US households are in that income bracket.

Some colleges claim that legacy preferences are a tip used among equally qualified applicants. But recent litigation over the use of race in admissions at Harvard and the University of North Carolina (in which I participated as an expert witness) demonstrated that not to be true. Harvard had [long claimed](#) that legacy preferences were a mere "tiebreaker" among equally qualified candidates, but an [internal study](#) found that legacies received a 40% boost in admissions, meaning a student with a 15% chance of admissions as a nonlegacy had around a 55% chance if he or she were a legacy. Legacy applicants to Harvard were [nearly six times more likely](#) to be admitted than non-legacies, according to data that emerged in the case. UNC also provided a substantial legacy preference for out of state applicants.

Some colleges also claim that legacy preferences are necessary to raise funds necessary to provide a superb education. But that claim is hard to square with the fact that excellent institutions such as Caltech, UC Berkeley, Oxford, and Cambridge — all of which have [been ranked](#) among the [best universities](#) in the world — managed to survive without heaping preferences on the children of alumni.

In fact, the empirical evidence mostly runs in the other direction. [A 2010 analysis](#) of the top 100 universities in U.S. News & World Report found “no evidence that legacy preference policies themselves exert an influence on giving behavior.” An interesting [2007 study](#) from researchers at Princeton and Stanford found that alumni increased their giving when their children were in high school but then lowered or eliminated donations entirely if the students were rejected. Alumni were outraged to be told that even with a preference, their children were not good enough.

After the Supreme Court struck down racial preferences in 2023, the practice of legacy and donor preferences became especially hard to justify. In response to the decision, dozens of schools, from Wesleyan to Virginia Tech, said they could no longer justify employing legacy preferences that tend to benefit white students. According to nonprofit Education Reform Now, between 2015 and 2024, the share of colleges employing legacy preferences was [cut in half](#). Virginia, Illinois, Maryland and California passed legislation outlawing legacy preferences. In the U.S. Senate, two sets of bipartisan legislators, [Tim Kaine, D-Va.](#), and [Todd Young, R-Ind.](#), and [Jeff Merkley, D-Ohio](#) and [John Kennedy, R-La.](#), introduced legislation to outlaw legacy preferences nationwide.

Because legacy preferences violate civil rights, social mobility and ideals of merit, they are deeply unpopular with the American public. A 2022 poll found [75% of Americans oppose](#) the practice. In a post affirmative action world, legacy preferences became, in the words of one college president [“obscene.”](#)

Maine is home to several of the best colleges in the country, including Bowdoin, Colby and Bates. Those and other Maine institutions ought to be open to students of all backgrounds who are able to compete fairly to admissions. It is time for this anachronistic practice to go.