August 16, 2016

Re: Annual Report of Students for Fair Admissions (SFFA)

Dear SFFA Member:

It has been another exciting year for Students for Fair Admissions (SFFA). We have continued to vigorously litigate two landmark lawsuits against universities discriminating against our members, and we have travelled the country advocating for the equal protection of individuals regardless of race or ethnicity. As always, your membership is critical to our success.

In this Annual Report to our members, I want to share with you how SFFA has advocated on your behalf, describe our plans for next year, and invite you to join us in our continuing efforts to obtain equal rights for all.

Year Two – Continuing the Fight

In November 2014, SFFA brought two landmark lawsuits against universities engaging in discriminatory admissions practices against SFFA’s members. In the first case, SFFA v. Harvard University, SFFA alleges that Harvard is engaging in a campaign of invidious discrimination by strictly limiting the number of Asian Americans it will admit each year and by engaging in racial balancing year after year. SFFA’s complaint explains that Asian Americans must have far higher qualifications than other students to be admitted to Harvard. Even then, Asian Americans face an uphill battle, as Harvard will cap their admission on the belief that too many Asian Americans will destroy the character of the student body. SFFA seeks an immediate injunction halting these discriminatory policies.

In the second case, SFFA v. University of North Carolina-Chapel Hill, SFFA alleges that the University of North Carolina-Chapel Hill (UNC), like Harvard, is violating the Fourteenth Amendment and federal civil rights laws through discriminatory admissions policies. SFFA’s complaint documents how UNC uses racial preferences to admit its students even though it conceded to the Supreme Court of the United States that it could maintain—and actually
increase—racial diversity through race-neutral admissions policies. Given the race-neutral alternatives available to UNC, such as admitting students based on merit and various socioeconomic factors, UNC was obligated to employ these methods before turning to racial preferences. As in Harvard, SFFA seeks an immediate injunction halting these discriminatory policies.

Since these lawsuits were filed, SFFA has vigorously litigated its claims against both Harvard and UNC. The litigation has been in the “discovery” process, which we expect to continue for much of the next year. This means that SFFA has been obtaining and reviewing relevant documents and data from Harvard and UNC, and vice versa.

SFFA’s lawsuits also inspired others to act. A coalition of more than 100 local, state, and national Asian-American organizations recently filed a complaint with the U.S. Department of Education alleging that Yale, Brown, and Dartmouth discriminate against Asian-American students during the admissions process. The complaint echoed SFFA’s allegations against Harvard. SFFA has applauded these likeminded efforts of other organizations.

Finally, the U.S. Supreme Court recently decided Fisher v. University of Texas at Austin, --- S. Ct. ---, No. 14-981 (June 23, 2016), in which it upheld the “sui generis,” “complex system of admissions” at the University of Texas at Austin (“UT”) against Abigail Fisher’s claim that the school had violated the Equal Protection Clause by using race as a factor in denying her admission in 2008. Although SFFA was disappointed by the result in Fisher, the Supreme Court noted that its decision in that case will be of limited “value for prospective guidance.”

The claims asserted in SFFA’s current lawsuits differ substantially from those at issue in Fisher. For example, SFFA claims that Harvard invidiously discriminates against Asian Americans and engages in racial balancing. While the Court reached a different conclusion with respect to UT’s 2008 admissions program, it made clear that a university may not use racial preferences in admissions if, in fact, there is a “’workable’ [race-neutral] means through which the University” can meet “its educational goals.” In sum, Fisher did not alter the legal standard; it applied that standard to peculiar facts. Whether SFFA can prevail will turn, as it must, on whether the evidence shows that Harvard and UNC are discriminating on the basis of race.

It is important to keep in mind that Americans of all races and ethnicities disapprove of racial considerations in college admissions. Just ten days after the Fisher ruling, a Gallup poll showed that 65 percent of Americans disagreed with the Court’s decision. The question was framed as follows: “The Supreme Court recently ruled on a case that confirms that colleges can consider the race or ethnicity of students when making decisions on who to admit to the college. Do you approve or disapprove of the Supreme Court’s decision?”

Thirty-one percent approved, 65 percent disapproved, while only 4 percent had no opinion. Even 56 percent of African-Americans disapproved of racial considerations in college admissions. These percentages have remained constant for nearly 15 years.

Unlike many social and policy issues facing the country today, the vast majority of the American people have made up their minds about race preferences. The goals and principles of this movement are deeply entrenched in the moral outlook of most Americans. So the Fisher decision
underscores the importance of our mission and serves as a reminder that the legal battle against race preferences in college admissions must continue.

**Continuing Our Success**

The public support for our organization remains strong. SFFA has more than 20,000 members and we continue to grow. We hope that you will reach out to your friends and family members and encourage them to join and support SFFA.

Our Board of Directors also is working tirelessly to support SFFA. This year our Board added two new members: Dr. Joe “JZ” Zhou from Folsom, California, and Dr. Edward Chen from Houston, Texas. Dr. Joe “JZ” Zhou is a first-generation Chinese immigrant who believes that it is time for universities to change their admissions process so that Asian Americans are treated fairly. Dr. Edward Chen is a retired college professor of Chemistry who has been active in fair admissions to universities for more than 25 years. Both Dr. Zhou and Dr. Chen joined the Board because they strongly believe that Asian Americans’ hard work and their children’s hard work should be recognized and awarded fairly.

As always, we will continue to provide you with regular updates of SFFA’s activities throughout the coming year. Membership participation is critical to SFFA’s success. We hope that providing regular updates will initiate a dialog among our members. SFFA’s Board of Directors welcomes your feedback and advice on these important issues.

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As we embark on our third year, I continue to be inspired by our members. It takes enormous courage to stand up and fight for equality. When faced with discrimination, it would be easy to look away. But that is not what we do. Our members are students, parents, and concerned citizens who are saying *enough is enough*. Universities must judge students by the content of their character and not by the color of their skin. And they must do it now.

We look forward to promoting racial equality in the admissions process and to fighting racial discrimination in whatever form it takes. I hope you will continue to support us in these important, historic efforts.

Sincerely,

Edward Blum

Edward Blum
*President, Students for Fair Admissions*