



Students for Fair Admissions
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Edward Blum
President

September 5, 2017

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

Dear SFFA Member:

What a year! Thanks to your energy and commitment, Students for Fair Admissions (SFFA) is thriving. In the past year, we launched new lawsuits against the University of Texas at Austin and the Department of Education, vigorously litigated our landmark lawsuits against Harvard and the University of North Carolina-Chapel Hill, and continued our nationwide advocacy 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 our work over the last year, describe our plans for next year, and invite you to continue helping us in our efforts to obtain equal rights for all.

Year Three – A Growing Movement

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 is largely completed. This means that SFFA has been obtaining and reviewing relevant documents and data from Harvard and UNC, and vice versa. In 2018, we anticipate completing expert witness discovery and moving for summary judgment in both cases. That means that SFFA will present the undisputed facts to the court and ask for a judgment in our favor.

In addition to these lawsuits, SFFA also filed a request under the Freedom of Information Act (FOIA) to obtain documents related to the Department of Education’s investigation into Princeton University for its discrimination against Asian Americans in the admissions process. When the agency refused to give us the documents, we filed suit. In *Students for Fair Admissions v. U.S. Department of Education*, we alleged that we were unequivocally entitled to these documents under FOIA.

In response to our lawsuit, the agency released some of the documents in its possession. The results were as we expected: Princeton admissions officers treat Asians unfairly in the admissions process. As later documented by BuzzFeed, “Princeton admissions officers repeatedly wrote of Asian-American applicants as being difficult to differentiate, referring to them dismissively as having ‘very familiar profiles,’ calling them ‘standard premeds,’ or ‘difficult to pluck out.’” *Asians With “Very Familiar Profiles”: How Princeton’s Admissions Officers Talk About Race*, BuzzFeed News (May 19, 2017). Another admissions officer wrote that an Asian-American applicant was a “[b]right premed, but like many others.” This evidence was brought to light as a result of SFFA’s efforts. I encourage you to read this revealing article.

Although the Department of Education ultimately agreed to give us *all* the documents we requested, Princeton brought its own lawsuit in federal court to prevent the public release of this information. We at SFFA quite rightly ask: What are you hiding, Princeton? If Princeton’s admissions process is non-discriminatory, then it should have nothing to fear from the release of these documents. We will keep you updated as this litigation unfolds.

Finally, SFFA recently filed a lawsuit against the University of Texas at Austin (UT) in Texas state court on behalf of our members. SFFA alleges that UT’s racial preferences in admissions violate the Texas Constitution and a Texas statute. In particular, the Texas Constitution provides that: “Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin.” This Equal Rights Amendment was enacted by the people of Texas to provide more expansive protection against discrimination than the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Our UT lawsuit is in its very early stages, but we are optimistic that the Texas state courts will stand up for equal rights for all.

Potential Department of Justice Investigations

As many of you know, there has been a lot of excitement lately over the possibility that the U.S. Department of Justice will launch an investigation into the discrimination of Asian Americans at our universities. This is a significant and welcome development. If the Department of Justice follows through—as it should—what it will find at many schools is an unfair and unconstitutional process that restricts the admission of Asian Americans.

We are hopeful that the Department of Justice will conclude that Harvard and others are breaking the law. The Department of Justice could intervene in our ongoing lawsuits, file a new lawsuit against other universities, or submit amicus briefs in support of our cases. Any of these actions would be an important step in ending the current discrimination against Asian Americans.

The Coming Year

The public support for our organization remains strong. SFFA has more than 21,000 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. Importantly, we will be having an election this winter for an open seat on our Board of Directors. All members of SFFA are eligible to join the Board. I will send you more updates later in the year. Needless to say, I encourage everyone who is interested in serving on our Board to run for the open seat, and I encourage everyone to cast a vote in the election once the ballot is set.

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 continue the dialog with our members. SFFA's Board of Directors and I welcome your feedback and other input on these important issues.

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As we enter our fourth year, I remain 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
President, Students for Fair Admissions