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Edward Blum  
*President*

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

Dear SFFA Member:

It has been a momentous year for Students for Fair Admissions and I am excited to share with you some of the highlights in this annual report.

One of our most important milestones occurred on June 15<sup>th</sup> when SFFA filed a motion for summary judgment in our lawsuit against Harvard. You can find the all of the documents relating to this filing on our website: <https://studentsforfairadmissions.org/>.

The filing was front page news in the most widely-read newspapers in the nation, including the *New York Times*, *Boston Globe* and *Washington Post*, all of which described in detail Harvard's unfair treatment of Asian-American applicants. For example, in a comprehensive and balanced story, the *New York Times* wrote:

Harvard consistently rated Asian-American applicants lower than others on traits like "positive personality," likability, courage, kindness and being "widely respected," according to an analysis of more than 160,000 student records filed Friday by a group representing Asian-American students in a lawsuit against the university.

Asian-Americans scored higher than applicants of any other racial or ethnic group on admissions measures like test scores, grades and extracurricular activities, according to the analysis commissioned by a group that opposes all race-based admissions criteria. But the students' personal ratings significantly dragged down their chances of being admitted, the analysis found.

The court documents, filed in federal court in Boston, also showed that Harvard conducted an internal investigation into its admissions policies in 2013 and found

a bias against Asian-American applicants. But Harvard never made the findings public or acted on them.

Harvard, one of the most sought-after and selective universities in the country, admitted only 4.6 percent of its applicants this year. That has led to intense interest in the university's closely guarded admissions process. Harvard had fought furiously over the last few months to keep secret the documents that were unsealed Friday.

The documents came out as part of a lawsuit charging Harvard with systematically discriminating against Asian-Americans, in violation of civil rights law. The suit says that Harvard imposes what is in effect a soft quota of "racial balancing." This keeps the numbers of Asian-Americans artificially low, while advancing less qualified white, black and Hispanic applicants, the plaintiffs contend.

The uproar from the Asian-American community over Harvard's admissions policies was loud and clear: What had been suspected all along—that Asian Americans were held to a much higher standard than other races and ethnicities—has now been revealed to the American public and the Court to be true.

People from across the political spectrum were shocked, angered, and saddened with the evidence SFFA presented. Below are just a handful of some of the most widely-read articles:

From the *Washington Post*, Charles Lane wrote that Harvard harms Asian Americans by giving preferences to donors and less academically qualified applicants:

Again, though, tell that to the Chinese American kid with perfect SAT scores and a 4.0 grade-point average in high school (and whose ancestors were legally barred from U.S. citizenship). Also, explain to the student exactly why he or she shouldn't be troubled by the fact that Harvard admits people based on the admissions committee's subjective notion of who among its 40,000 or so annual applicants "manifest[s] the qualities, academic and otherwise, that suggest they will become engaged participants and leaders in an increasingly diverse, complex society."

Ilya Shapiro writing in the *Wall Street Journal* described the analysis of the six years of admission data Harvard was forced to provide to our experts:

The plaintiffs argue that Harvard intentionally discriminates. "An Asian-American applicant with a 25% chance of admission," the plaintiffs' motion summarizes, "would have a 35% chance if he were white, 75% if he were Hispanic, and 95% chance if he were African-American."

That's not because Asians are weak in areas other than academics that might legitimately be considered in admissions decisions. Harvard's own documents show that Asians have higher extracurricular and alumni-interview scores than any other racial group, and scores from teachers and guidance counselors nearly identical to whites (and higher than African-Americans and Hispanics). Yet admissions officers assigned them the lowest "personal" rating—an assessment of

“positive personality,” character traits like “likability,” “helpfulness,” “courage,” and “kindness,” and whether the applicant has good “human qualities.” It’s reminiscent of the old stereotype that Jews weren’t “clubbable.”

Perhaps the most damning evidence is an internal investigation Harvard conducted in 2013. The school’s Office of Institutional Research produced three reports finding the admissions system was biased against Asian-Americans—including low-income students of the sort that one might think a college would want for diversity purposes. The dean of admissions buried the results.

If the judge denies the plaintiffs’ summary-judgment motion, we can expect a trial in the fall. In any event, this case seems destined for the Supreme Court. Justice Kennedy may no longer be on the bench by the time it gets there, but his colleagues will have to decide whether elite education’s system of racial spoils can be sustained.

Another interesting development in this lawsuit occurred in April when the U.S. Department of Justice filed a “notice of interest” with the Court that cited the need to allow the American public access to SFFA’s evidence. As you may know, Harvard has stubbornly redacted much of the testimony, documents, and data SFFA has amassed during the last four years of litigation. It was gratifying to see the Justice Department encourage the Court to make this evidence available to the public.

The Justice Department was not alone in encouraging the Court to unredact this material. A letter signed by the New England First Amendment Coalition, the Reporters Committee for Freedom of the Press, and the Massachusetts Newspaper Publishers urged full disclosure, as well. It is our hope the judge will release more of the redacted evidence before our trial, which is scheduled to begin on October 15<sup>th</sup> in Boston.

Additionally, although our Harvard lawsuit has dominated the news, our lawsuits against the University of North Carolina-Chapel Hill and the University of Texas-Austin are progressing as well. A trial has been scheduled in the UNC case for April 2019, while our case against UT is teed up for resolution.

Finally, I am deeply thankful to all of our members who have made a donation to help us defray the costs of these upcoming trials. As I wrote in my last update, SFFA recently has hired some of the most accomplished trial lawyers in the nation. Your contributions helped to make that possible.

I look forward to sending you another update soon.

Sincerely,



Edward Blum  
*President, Students for Fair Admissions*