

**COMPLAINT AGAINST HARVARD UNIVERSITY AND THE  
PRESIDENT AND FELLOWS OF HARVARD COLLEGE FOR  
DISCRIMINATING AGAINST ASIAN-AMERICAN APPLICANTS IN THE  
COLLEGE ADMISSIONS PROCESS**

**Submitted to:**

**Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC, 20202**

**&**

**Civil Rights Division  
U.S. Department of Justice  
Boston Regional Office, 8th floor  
5 Post Office Square  
Boston, Massachusetts 02109**

**By Coalition of Asian-American Associations**

**May 15, 2015**

## Table of Contents

<b>1. Introduction .....</b>	<b>2</b>
<b>2. Background .....</b>	<b>4</b>
<b>3. Harvard University’s Discrimination against Asian-Americans and Harm to Asian-American Families.....</b>	<b>12</b>
<b>4. Detailed Evidence of Discrimination and Specific Laws Violated .....</b>	<b>20</b>
<b>5. Asian-Americans’ View on American Education and College Admission .....</b>	<b>44</b>
<b>6. Conclusion and Request for Relief.....</b>	<b>46</b>
<b>7. List of Co-complainants.....</b>	<b>47</b>
<b>Appendixes &amp; References.....</b>	<b>49</b>

# 1. INTRODUCTION

The undersigned coalition of Asian-American Associations (“Coalition”), consisting of some 64 Asian-American Associations and Organizations whose names and signatures are affixed below, jointly file this Administrative Complaint for unlawful racial discrimination in college admissions against Harvard University and the President and Fellows of Harvard College (hereafter “Harvard,” “Harvard College” or “Harvard University”, located in 86 Brattle Street, Cambridge, MA 02138), pursuant to the Fourteenth Amendment of the United States Constitution, Title VI of the Civil Rights Act of 1964 and subsequent rulings by The U.S. Supreme Court.

This Complaint is filed on behalf of the constituents of the undersigned Asian-American Associations and Organizations including Asian Americans who, because of their race, have been unfairly rejected by Harvard College because of such unlawful use of race in the admissions process, and/or who seek the opportunity to apply for admission without being discriminated against because of their race.

The representative of the Coalition for purposes of this Complaint is Yukong Zhao and Jack Ouyang with the following contact information: PO Box 276, Short Hills NJ 07078.

Over the last two decades, Asian-American applicants to Harvard University and other Ivy League colleges have increasingly experienced discrimination in the admissions process. Many Asian-American students who have almost perfect SAT scores, top 1% GPAs, plus significant awards or leadership positions in various extracurricular activities have been rejected by Harvard University and other Ivy League Colleges while similarly situated applicants of other races have been admitted. Because of this discrimination, it has become especially difficult for high-performing male Asian-American students to gain admission to Harvard University and other Ivy League colleges. In recently years these trends have become more and more severe. They are widely reported by various Asian-American web bloggers and other media.

The discrimination against Asian-Americans by Harvard and other elite universities has been reported in publications including Daniel Golden’s book *The Price of Admission: How America’s Ruling Class Buys Its Way into Elite Colleges and Who Gets Left Outside* (Golden 2007),<sup>i</sup> Espenshade, Thomas J. & Alexandra Radford’s book, *No Longer Separate, Not Yet Equal: Race and Class in Elite College Admission and Campus Life* (Espenshade/Radford 2009)<sup>ii</sup> and Ron Unz’s article “The Myth of American Meritocracy” (Unz 2012).<sup>iii</sup> On November 17, 2014, Students for Fair Admissions, Inc. filed a lawsuit against Harvard University.<sup>iv</sup> The complaint and other documents filed in the case provide comprehensive evidence demonstrating that Harvard University systematically discriminates against Asian-American applicants during its admission processes.

Based on overwhelming evidence uncovered by Daniel Golden, Thomas Espenshade/ Alexandra Radford, Ron Unz, Richard Sander<sup>v</sup>, as well as that compiled by Students for Fair Admissions, Inc., plus direct observations in the Asian-American communities, the coalition of Asian-American Associations decided to file this administrative complaint with the Office of Civil Rights (“OCR”) of the U.S. Department of Education. In order to meet the OCR deadline, we file

this complaint to OCR within 180 days after we obtained comprehensive evidence from the complaint filed by Students for Fair Admissions, Inc. on November 17<sup>th</sup>, 2014. We have also decided to file this complaint with the Educational Opportunities Section of the Department of Justice's Civil Rights Division (DOJ) because many studies have indicated that Harvard University is engaged in systematic racial discrimination against Asian-Americans.

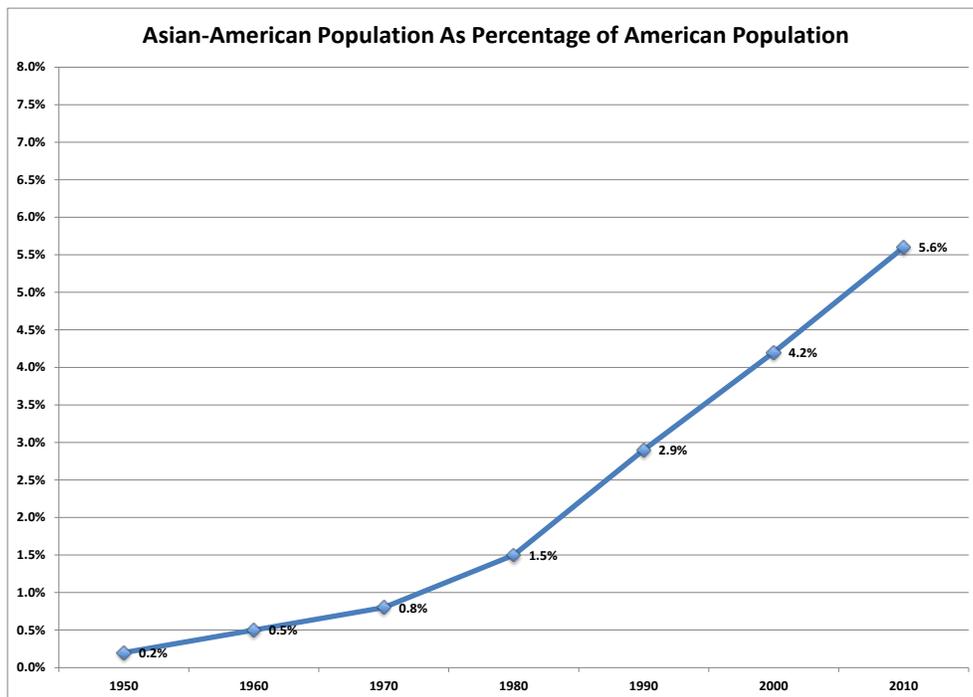
Though we are aware that between 1988 and 1990, the Office for Civil Rights of the U.S. Department of Education conducted an investigation of alleged discrimination by Harvard against Asian-American applicants, we hereby request OCR and DOJ launch a new investigation based on overwhelming new evidence uncovered and new studies published by many scholars in recent years.

## 2. BACKGROUND

### 2.1 Increase in Asian-American College Applicants over the Last Two Decades

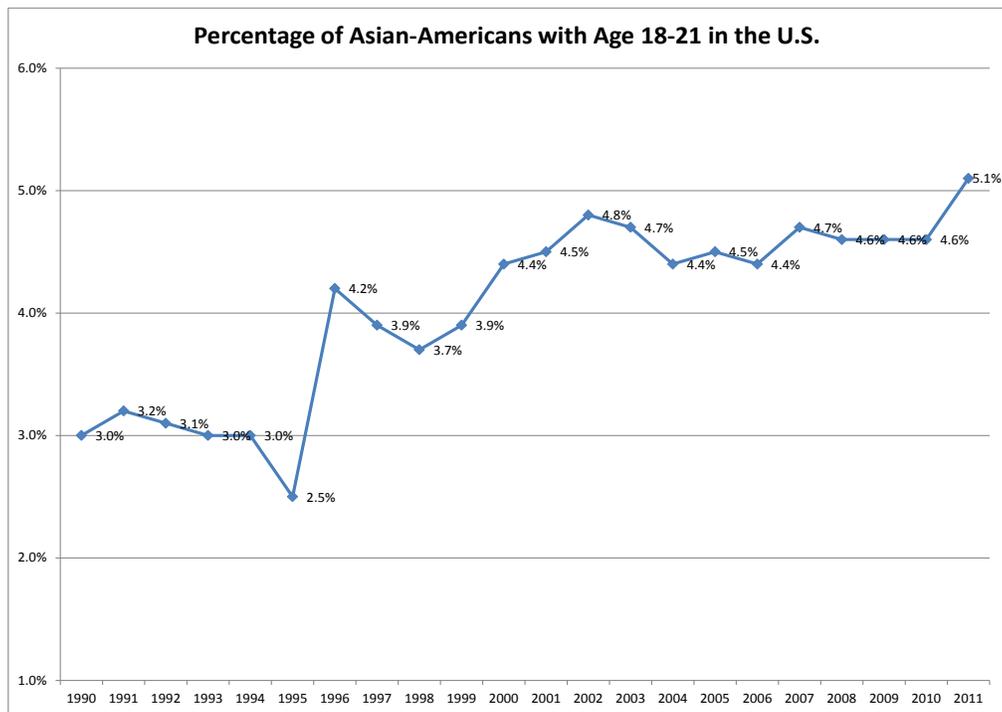
Asian-Americans are a small minority group in the United States, consisting of more than 20 ethnic groups but with a population of only 18 million in 2011.<sup>vi</sup>

Historically, partially due to the restrictions imposed by the Chinese Exclusion Act, the Asian-American population in the United States stayed at the 0.2% level until after 1950. It gradually grew to 1.5% in 1980. Over the last three decades, two major events have led to the rapid growth of the Asian-American population in the United States. The first is the rapid expansion of American high tech industries beginning in the 1980s. This has driven the increase of highly educated immigrants, the majority of them from Asia. The second is the normalization of the relationship between the United States and the People's Republic of China in 1978, which enabled a large number of Chinese students to come to study in the United States, many of whom later decided to stay in the U.S. As a result, the Asian-American population as a percentage of the U.S. population has increased from 2.9% in 1990 to 5.6% in 2010.<sup>vii</sup>



Well-educated Asian-Americans have become the backbone of American high tech industries, engineering firms and research & development centers, contributing to American technology leadership and economic prosperity. Asian-Americans are proud members of American society and have been making substantial contributions to their nation.

The growth in the nation's Asian-American population has naturally led to an increase in Asian-American college applicants. Based on Census data, college-age Asian-Americans have, as a percentage of college-age Americans, increased from 3.0% in 1990 to 5.1% in 2011.<sup>viii</sup>



## 2.2 Improving Qualifications of Asian-American Applicants to America’s Top Universities

As Asian-American families continue to improve their living standards, they are able to devote more economic resources to their children’s education. In addition, the increasing numbers of well-educated new immigrants from Asia over the last three decades has also expanded the pool of high-performing Asian-American students. As a result, the performance of Asian students, both at school and in extracurricular activities—the important factors considered by America’s top universities when evaluating applicants—have not only been maintained at its originally high level, but has further improved over the last two decades.

Since Harvard University only accepts applicants who demonstrate top-notch academic performance and other qualifications, the following data focused on America’s top awards for achievement by high school students are highly relevant. According to Unz, Asian-American students have achieved a very high representation in National Merit Scholarship (NMS) semifinalists, a major indicator of graduating high school students’ academic performance. In addition, over the last two decades Asian-American students have also significantly increased their representation in the U.S. Math Olympiad Teams, U.S. Physics Olympiad Winners, Science Olympiad Winners, Siemens Science AP Winners, Intel Science Talent Search Finalists:<sup>ix</sup>

“Although Asians represented only about 11 percent of California high school students, they constituted almost 60 percent of the [National Merit Scholars]... In Texas, Asians are just 3.8 percent of the population but were over a quarter of the NMS semifinalists in 2010, while the 2.4 percent of Florida Asians provided between 10 percent and 16 percent of the top students... Asian over-representation was enormous [in New York]: the Asian 7.3 percent of the

population—many of them impoverished immigrant families—accounted for almost one-third of all top scoring New York students.”

“America’s eight largest states contain nearly half our total population as well as over 60 percent of all Asian-Americans, and each has at least one NMS semifinalist list available for the years 2010–2012. Asians account for just 6 percent of the population in these states, but contribute almost one-third of all the names on these rosters of high performing students. Even this result may be a substantial underestimate, since over half these Asians are found in gigantic California, where extremely stiff academic competition has driven the qualifying NMS semifinalist threshold score to nearly the highest in the country; if students were selected based on a single nationwide standard, Asian numbers would surely be much higher. This pattern extends to the aggregate of the twenty-five states whose lists are available, with Asians constituting 5 percent of the total population but almost 28 percent of semifinalists. Extrapolating these state results to the national total, we would expect 25–30 percent of America’s highest scoring high school seniors to be of Asian origin. ”

“This evidence of a massively disproportionate Asian presence among top-performing students only increases if we examine the winners of national academic competitions, especially those in mathematics and science, where judging is the most objective. Each year, America picks its five strongest students to represent our country in the International Math Olympiad, and during the three decades since 1980, some 34 percent of these team members have been Asian-American, with the corresponding figure for the International Computing Olympiad being 27 percent. The Intel Science Talent Search, begun in 1942 under the auspices of the Westinghouse Corporation, is America’s most prestigious high school science competition, and since 1980 some 32 percent of the 1320 finalists have been of Asian ancestry (see Appendix F)

Given that Asians accounted for just 1.5 percent of the population in 1980 and often lived in relatively impoverished immigrant families, the longer-term historical trends are even more striking. Asians were less than 10 percent of U.S. Math Olympiad winners during the 1980s, but rose to a striking 58 percent of the total during the last thirteen years 2000–2012. For the Computing Olympiad, Asian winners averaged about 20 percent of the total during most of the 1990s and 2000s, but grew to 50 percent during 2009–2010 and a remarkable 75 percent during 2011–2012.

The statistical trend for the Science Talent Search finalists, numbering many thousands of top science students, has been the clearest: Asians constituted 22 percent of the total in the 1980s, 29 percent in the 1990s, 36 percent in the 2000s, and 64 percent in the 2010s. In particular science subjects, the Physics Olympiad winners follow a similar trajectory, with Asians accounting for 23 percent of the winners during the 1980s, 25 percent during the 1990s, 46 percent during the 2000s, and a remarkable 81 percent since 2010. The 2003–2012 Biology Olympiad winners were 68 percent Asian and Asians took an astonishing 90 percent of the top spots in the recent Chemistry Olympiads. Some 61 percent of the Siemens AP Awards from 2002–2011 went to Asians, including thirteen of the fourteen top national prizes.”

Very convincing evidence for the qualifications of Asian-American students is found in the numbers of such students named U.S. Presidential Scholars, selected by the Department of

Education on an annual basis. It is one of the highest honors a high school student can obtain. According to its website, “Candidates are evaluated on their academic achievement, personal characteristics, leadership and service activities, and an analysis of their essay.” By these criteria, which essentially mirrors the criteria Harvard says applies to its Holistic Admission Approach, one would expect the percentage of Asian-Americans selected as Presidential Scholars to predict the percentage admitted to Harvard College--if the Harvard admissions process were implemented fairly.

We conducted an analysis of the Presidential Scholar winners of the last five years (2010-2014). Based on their family names, there are approximately 218 Asian-American students who received this prestigious awards, out of the 703 total selected--or approximately 31%. This is actually an underestimation of Asian-American students among the Presidential Scholars because a student born in a family with an Asian mother, but non-Asian father is not counted as Asian in this analysis.

Based on above data, ranging from National Merit Scholarship (NMS) semifinalists, major high school science competition winners and the Presidential Scholars, the most prestigious high school award based on an all-rounded evaluation, Asian-American students have not only maintained but also improved their qualifications for admissions to America’s elite universities.

### **2.3 Social Stereotypes and Prejudices towards Asian-Americans versus Actual Asian-American Abilities**

Unfortunately, even given the above achievements, as one of the smallest racial group in the United States, Asian-Americans are possibly the least understood racial group by American society because of the large cultural gaps existing between the East and the West. This leads to stereotypes and racial bias towards Asian-Americans.

The followings are the most notable stereotypes which tend to negatively impact Asian-American applicants to America’s elite universities.

#### **2.3.1 Stereotype 1: Asian-Americans lack creativity and critical thinking**

This is a widely spread, often exaggerated stereotype, reinforced by some biased articles published in American media. An objective view of the facts compels a contrary conclusion. Today, many Asian-Americans have become the leading engineers in America’s high tech industries, department chairs of many American universities, and technology leaders at many research and development institutes. They are the creators of a large percentage of American technologic innovations. So far, Asian-Americans have produced 12 Nobel laureates in Physics, Chemistry, Physiology and Medicine, which is more than 4.4% of the total 273 American Nobel laureates in the above fields since the Nobel Prize debuted in 1901. This is quite an accomplishment because the Asian-American population in the United States was well below 1% before the 1970’s and did not reach 3% until 1990. In recent decades, due to the increase of well-educated Asian immigrants, the achievements of Asian-Americans are even more impressive. According to Thompson Reuter, among the world’s top 20 material scientists, Asian-Americans number 11, or 45%.<sup>x</sup> In the MIT Technology Review’s “35 Innovators Under 35 in 2014,”<sup>xi</sup> there are 12 Asian-Americans, or 34% of the total. Asian-American winners of the Intel Science

Talent Search constitute more than 30% of the total; and each is credited with at least one scientific breakthrough or technological innovations.<sup>xii</sup>

Asian-Americans have also demonstrated their creativities in other arenas. They include world-famous architects I. M. Pei and Maya Lin, world-class cellist Yo-Yo Ma, and violinist Sara Chang, Oscar winning director Ang Lee, renowned cinematographers James Wong Howe and Hiro Narita, as well as fashion designers Vera Wang and Jason Wu.

In the business world, Asian-American creativity is easily demonstrated, manifested especially by the number of technology ventures founded by Asian-Americans. According to a 2012 study released by the Ewing Marion Kauffman Foundation, Asian-Americans founded more than 42% of engineering and technology companies between 2006 and 2012.<sup>xiii</sup>

America has provided a great playing field in which many talented Asians immigrants have demonstrated their innovation. The truth of matter is, Asian-Americans are among the most innovative and creative racial groups in the United States.

### **2.3.2 Stereotype 2: Asian-Americans lack leadership skill**

When some people claim Asian-Americans lack leadership skills, they tend to use the number of CEO positions Asian-American hold in American's large corporations. Actually, one major factor for the relative small number of Asian-American CEO's is that most adult Asian-American immigrants were born abroad (74%)<sup>xiv</sup> and the majority of them immigrated to the United States based on their specialization in science and engineering. Most American companies tend to pick their CEO's from marketing or finance majors, therefore lowering the chances for Asian-Americans. In most companies where Asian-Americans are a small minority, there is also a significant bamboo ceiling that prevents Asian-Americans from reaching the top. Other factors are language barriers and lack of cultural acceptance. For example, in American culture, people tend to express their feelings and thoughts more directly and forcefully. In most Asian cultures, people are more inclined to express their opinions in a more reserved manner. For Americans who do not fully understand Asian cultures, this can be misinterpreted as a lack of communication skills. Even with significant cultural barriers, many Asian-Americans have managed to rise to the top, include Microsoft CEO Satya Nadella, Pepsi CEO Indra Nooyi, former CEO of Starz Corporation John Sie and former CEO of Avon Corporation Andrea Jung.

A better measure of Asian-American leadership is found in their entrepreneurship. Data indicates that immigrants are more likely to start companies than the general population in the United States, and Asian-Americans make up a significant portion of this group. As discussed in the above section, Asian-Americans founded more than 42% of engineering and technology companies between 2006 and 2012. Notable examples include Yahoo co-founder Jerry Yang, the founding CEO of Sun Microsystems Vinod Khosla, Founder of Bose Corporation Amar Bose, and cofounder of YouTube Steve Chen. This is a clear indication of leadership and the innovative spirit of Asian-Americans. In addition to high tech, Asian-Americans have also established a large number of businesses in restaurants, gas stations, hotels etc. Leadership is an essential quality required by all entrepreneurs. Asian-Americans have demonstrated it abundantly.

### **2.3.3 Stereotype 3: Asian-American students spend too much time on study and do not spend enough time in extracurricular activities**

Most Asian-American families believe a solid academic foundation is essential for students to advance their education. Students are encouraged to pursue academic excellence and excel in the STEM (Science, Technology, Engineering and Mathematics) fields. However, U.S. academic performance has dropped over the last decades, ranking only 30<sup>th</sup> in math and 23<sup>rd</sup> in Science in the 2012 PISA international student assessment. As a result, the United States cannot educate enough engineers and scientists to meet its rapidly growing needs in its high tech industries and has to attract well-educated immigrants, most of which are Asians, to fill the available positions.

It is a great irony that while America's economy needs Asian immigrants whose educations were built upon a proper emphasis on academic performance, some American newsmedia and some individuals blame Asian-American students for putting too much emphasis on academics, creating the social stereotype that Asian-American children are 'nerds.' It is an example of how media and some individuals use their own, improper standards to judge Asian-American students who are doing the right thing.

Even in the area of extracurricular activities, contrary to the stereotype, there are no data to indicate that Asian-American students are doing less. As cited by Students for Fair Admissions Inc. in their complaint against Harvard University,<sup>xv</sup> "Studies also have shown that high-achieving Asian-American students are equally, if not more, qualified than other racial groups with regard to non-academic criteria. At the University of California, Los Angeles (UCLA), over several years, undergraduate admissions readers assigned each applicant three types of scores: 'academic achievement' (principally high school grades, AP courses, and standardized test scores); 'life challenges' (mainly socioeconomic background); and 'personal achievement' (such as leadership, musical ability, and community service). These three scores jointly determined virtually all admissions decisions. See Peter Arcidiacono, Thomas Espenshade, Stacy Hawkins, and Richard Sander, published a study on undergraduate *A Conversation on the Nature, Effects, and Future of Affirmative Action in Higher Education Admissions*, *Pennsylvania Journal of Constitutional Law* (Fall 2014). ... The data cover over 100,000 undergraduate applicants to UCLA over three years and show absolutely no correlation between race and 'personal achievement.'"

Very importantly, because most Asian-American students are educated in the United States, they have benefited from strengths of the American education systems, such as an emphasis on creativity and social skill development. It is wrong to generalize and to assume Asian-American students will inevitably have the same weaknesses some of their parents had, if any.

In such a broad cultural context, published studies have indicated that admission officers at Harvard and other elite universities have allowed popular stereotypes and racial bias against Asian-Americans to unduly influence their assessment of Asian-American applicants because a significant portion of their criteria are subjective in nature.

<b>Stereotypes</b>	<b>Facts</b>
Lack of creativity/critical thinking	12 Nobel laureates in Physics, Chemistry, Physiology and Medicine (4.4%); 11 out of 20 top material scientists in the world (45%); 12 out of 35 Innovators Under 35 in 2014; 30% winners of Intel Science Talent Search.
Lack of artistic talent	World-famous architects I. M. Pei and Maya Lin, world-class cellist Yo-Yo Ma, violinist Sara Chang, Oscar winning director Ang Lee, renowned cinematographers James Wong Howe and Hiro Narita, fashion designers Vera Wang and Jason Wu.
Less risk taking	Founded over 42% of engineering and technology companies between 2006 and 2012. Yahoo’s Jerry Yang, the founding CEO of Sun Microsystems Vinod Khosla, founder of the Bose Corporation Amar Bose, cofounder of YouTube Steve Chen.
Lack of leadership skills	1) Objective factors limiting Asian-Americans becoming CEOs of large corporations: 74% Asian-American are foreign born, most specializing in science and high tech; language barrier, bamboo ceiling and cultural acceptance. 2) Many managed to reach the top: Microsoft CEO Satya Nadella, Pepsi CEO Indra Nooyi, former CEO of Starz Corporation John Sie, former CEO of Avon Corporation Andrea Jung. 3) Proven entrepreneurship: Founded over 42% of engineering and technology companies between 2006 and 2012. Owners of restaurants, hotels, gas stations etc.
Too much emphasis on academics	American student performances dropped compared to other countries based on PISA international student assessments. The U.S. can’t educate enough scientists & engineers and relies on immigrants to support high tech industries. Asian-Americans actually have the proper emphasis on academics.
Not enough extracurriculars	Studies show high-achieving Asian-American students are equally, if not more, qualified than other racial groups with regard to non-academic criteria. Data covering more than 100,000 undergraduate applicants to UCLA over three years shows absolutely no correlation between race and ‘personal achievement.’

## 2.4 Harvard University’s Admission Selection Approach

Harvard University’s admissions process is explained by Students for Fair Admissions Inc. in its complaint against Harvard University,<sup>xvi</sup>

“175. During an admissions cycle, the Harvard Admissions Committee reviews each student’s admissions materials. Those materials include: (1) the Common Application or Universal College Application, including an essay, and the required parts of the Harvard Supplement; (2) the high school transcript, school report, and mid-year school report—all submitted by a student’s guidance counselor; (3) standardized test scores—submitted by the College Board; (4)

teacher and guidance counselor recommendations; (5) optional on-campus and/or off-campus interviewer evaluation; (6) optional personal statements (found on the Harvard Supplement) in addition to the required essays; and (7) optional music tapes, artwork slides, or samples of academic work.”

“176. Harvard gathers information about the race and ethnicity of its applicants through numerous ways.” It includes applicants to

- 1) Fill out a Common Application which has the option of disclosing his or her racial identity (Asian is a selection choice) and require applicants to identify their parents’ first and last name, the parents’ former last names, and their country of birth. Or
- 2) Fill out the Universal College Application which has the option of disclosing his or her racial identity (Asian is a selection choice) and require applicants to identify their parents’ first and last name, the parents’ former last names, and their country of birth; and “languages spoken in your home”.
- 3) Encourage applicants to discuss race or culture in their essays.

During the review process, Harvard University takes a “Holistic Approach” in evaluating applicants. According to Harvard University’s recent response to the lawsuit filed by Students for Fair Admissions Inc.,<sup>xvii</sup>

“186. Defendant (Harvard University) admits that the Harvard College admissions office considers applicants for transfer admission in a holistic manner and that, as with applicants for early or regular admission, it considers each applicant’s background and personal characteristics, including—where relevant—the applicant’s race or ethnicity as it bears on the holistic review, as one among many factors that it evaluates holistically in determining whether to make an offer of admission.”

“196. Defendant (Harvard University) admits that the admissions committee considers each applicant’s background and personal characteristics, including—where relevant—the applicant’s race or ethnicity as it bears on the holistic review, as one among many factors that it evaluates holistically in determining whether to make an offer of admission.”

Though Harvard University does not reveal publicly any aspect of its deliberative or decisional admissions process other than the end result, what we can see from the above evidence are:

1. Subjective criteria such as applicant’s background and personal characteristics are a large part of the Harvard admissions selection processes although it also employs objective criteria such as the applicant’s test scores and high school GPA’s. This leaves significant room for human stereotypes and racial bias to influence the admission decisions if it is not handled properly;
2. Race is a factor in Harvard’s admission process and in its evaluation of applicants.

The combination of the above two factors allows Harvard to make very subjective decisions that lead to discrimination against Asian-Americans, which are summarized in the following section.

### **3. HARVARD UNIVERSITY’S DISCRIMINATION AGAINST ASIAN-AMERICANS AND HARM TO ASIAN-AMERICAN FAMILIES**

#### **3.1 Harvard University’s Discrimination against Asian-Americans**

Harvard University’s discrimination against Asian-American applicants was first protested by Asian-American communities in 1980’s. In July 1988, the Office of Civil Rights (“OCR”) of the U.S. Department of Education launched an investigation of the treatment of Asian-American applicants at Harvard to determine whether Harvard was engaging in discrimination in violation of Title VI of the Civil Rights Act. After two years’ of investigation, in 1990 OCR released a roundly criticized report that blames the differential on legacy preferences and found that the differential admission rates were not the product of racial or ethnic discrimination.

It is noteworthy that this conclusion was drawn before the surge of Asian-American college-ready students and improvement of their qualifications as illustrated in section 2.2.

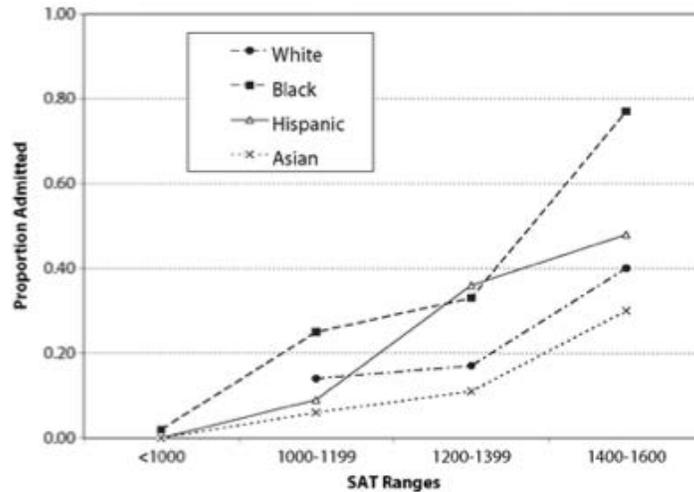
However, based on published studies, after the OCR investigation, Harvard has not stopped its discrimination against Asian-Americans. Over the last decade, the discrimination against Asian-American applicants has caught the attention of many scholars.

Daniel Golden, the Pulitzer Prize-winning *Wall Street Journal* reporter, conducted an extensive study of the corruption in American elite universities’ admissions decisions. In his 2007 book, *The Price of Admission: How America’s Ruling Class Buys Its Way into Elite Colleges —and Who Gets Left Outside*, Golden found that the discrimination against Asian-Americans by Harvard and other elite universities was so severe that he dedicated a special chapter “The New Jews” to compare it to the discrimination suffered by Jews in 1920’s and 1930’s.<sup>xviii</sup>

Golden’s book gave various qualitative examples as to how Harvard and other elite schools use various stereotypes to discriminate against Asian-American applicants such as “being quiet”, “focusing on math and science”, and “play a music instrument.” He pointed out, “Given the free rein by the federal decision (OCR’s 1990 decision on alleged discrimination by Harvard towards Asian-Americans), most elite universities have maintained a triple standard in college admissions, setting the bar highest for Asians, next for whites and lowest for blacks and Hispanics.”

In 2009, Princeton professor Thomas J. Espenshade and his coauthor, Alexandra Radford published their book, *No Longer Separate, Not Yet Equal*, in which they document the role of race in elite American undergraduate admissions based on exhaustive application data on a group of three elite public and four elite private colleges.

In their analysis of admissions rate by race and SAT score, as illustrated in the following chart, Asians have the lowest acceptance rate for each test score bracket, lower than Whites, Blacks and Hispanic.<sup>xix</sup>



According to their modeling analysis, Asian applicants have 67% lower odds of admission than white applicants with comparable test scores. Using white students as a baseline, they look at how much of a bump or penalty students receive in terms of SAT scores on the basis of their race:

Item	Public Institutions	Private Institutions
	ACT-Point Equivalents (out of 36)	SAT-Point Equivalents (out of 1600)
Race		
(White)	—	—
Black	3.8	310
Hispanic	0.3	130
Asian	-3.4	-140
Social Class		
Lower	-0.1	130
Working	0.0	70
(Middle)	—	—
Upper-Middle	0.3	50
Upper	0.4	-30

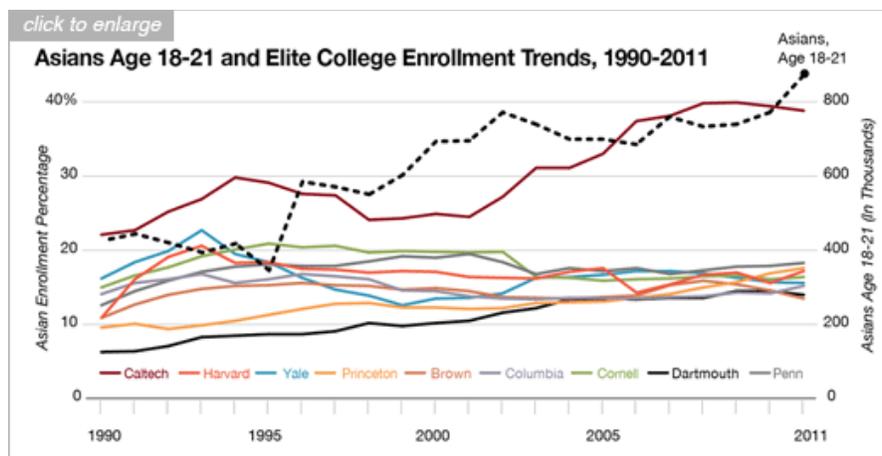
They found that when applying to top private universities an Asian-American student has to score 140 point higher than a White student, 270 points higher than a Hispanic student and 450 points higher than a Black student on the SAT to be on equal footing. Put another way, if a top private university such as Harvard accepts white students with an SAT mean score of 2160, its mean score for accepting Asian-American students would be 2300, 140 additional points.

In 2012, Ron Unz provided another compelling analysis of this issue.<sup>xx</sup> He made a direct comparison between population growth of college-age (18-21 years old) Asian-Americans, the Asian-American enrollment of Harvard and other Ivy League Colleges, and found “the share of Asians at Harvard peaked at over 20 percent in 1993, then immediately declined and thereafter remained roughly constant at a level 3–5 points lower.” The largely constant Asian numbers at these elite colleges are particularly strange when we consider that the underlying population of Asians in America has been anything but static, instead growing at the fastest pace of any

American racial group, having increased by almost 50 percent during the last decade, and more than doubling since 1993.”

As discussed in Section 2.2, multiple data indicate that Asian-American academic achievement trends were rising at an impressive pace. However, the total enrollment of Asian-Americans at Harvard has been basically fixed. As a result, as Unz puts it, “the relative enrollment of Asians at Harvard was plummeting, dropping by over half during the last twenty years, with a range of similar declines also occurring at Yale, Cornell, and most other Ivy League universities.”

As a comparison, Unz shows that Caltech, another elite university which does not take race as consideration and where students’ academic performances are more properly weighed, Asian-American enrollment has a positive growth, basically commensurate with the growth of Asian-Americans in the age group of 18-21.



Trends of Asian enrollment at Caltech and the Ivy League universities, compared with growth of Asian college-age population; Asian age cohort population figures are based on Census CPS, and given the small sample size, are subject to considerable yearly statistical fluctuations. Source: Appendices B and C,<sup>xxi</sup>

All three major studies have been widely reported by American media. One by one they provide stronger and stronger evidence to illustrate that discriminations against Asian-Americans exist at Harvard and other Ivy League Colleges.

Besides the above three major studies, other scholars have also conducted research on Harvard’s and other elite schools’ discrimination against Asian-Americans. They include Dr. Richard Sander, a professor of law at UCLA, and Medha Uppala, a graduate student in statistics at UCLA, who recently co-authored a working paper titled *The Evolution of SES Diversity in the Applicant Pool of Highly Selective Universities, 1994-2012*.<sup>xxii</sup>

As described by Students for Fair Admissions Inc. in its complaint against Harvard University, “As an initial matter, the paper finds that Asian-Americans are being admitted to these schools at a far lower rate than the rate at which they apply. The paper notes that for ‘three of the most selective Ivy League colleges,’ the average racial makeup of all domestic score senders between 2008 and 2012 is 27.3 percent Asian-American, 11.3 percent African American, 12.5 percent Hispanic, 40.4 percent non-Hispanic White, and 8.5 percent other race or non-identified. Over this same time period, however, Asian-Americans represented only 17-20 percent of the admitted students. No other racial or ethnic group at these schools is as underrepresented relative to its application numbers as are Asian-Americans. Indeed, no other racial or ethnic group comes even remotely close to this level of underrepresentation.”

If we summarized above studies, we can draw the following conclusions.

1. Harvard and other Ivy League Colleges have discriminated against Asian-Americans in their college admission processes, in the form of fixed enrollment numbers, and under the influence of racial stereotypes and prejudices. There is actually a drop in the percentage of Asian-American enrollment based on growing numbers of qualified Asian-Americans applicants.
2. Asian-Americans are likely to be discriminated against in elite universities where race is used as a factor in the admission processes
3. Among all major racial groups, Asian-Americans are the most discriminated against by Harvard and other Ivy League Colleges in their college admission processes.

**We believe that a racially based admission process has played a major role in Harvard and other Ivy League colleges’ discrimination against Asian-American applicants. Racial discrimination based on racial quotas, stereotypes and prejudices are other important factors because the discrimination Asian-Americans has suffered is more severe than that suffered by white Americans, another racial group not favored by Affirmative Action.**

Faced with such severe discrimination, many Asian-American organizations have voiced their rejection of such as unfair treatment of Asian-American students. In addition, Asian-American students who suffered from such discrimination have filed complaints to Office of Civil Rights (“OCR”) of the U.S. Department of Education. In 2006, Jian Li, a Chinese-American student filed a complaint against Princeton University. In 2012, an Indian-American student filed a complaint against Harvard University and Princeton University. In 2013, Michael Wang, another Chinese American student, filed a complaint against Yale University and Princeton University. Most significantly, on November 17, 2014, Students for Fair Admissions, Inc. filed a federal lawsuit against Harvard University.

Though evidence shows other Ivy League Schools have also engaged in discrimination against Asian-American students, this complaint is limited to Harvard University for now based on the overwhelming evidence uncovered by Golden, Espenshade & Radford, Unz, Sander, as well as that compiled by Students for Fair Admissions, Inc.

## **3.2 Harm to Asian-American Families**

Since Asian-Americans care deeply about their children's future and regard good education as the primarily way to achieve a good future, the discrimination by Harvard University and other Ivy League Colleges has caused tremendous harm to Asian-American families. Following are a few aspects of this harm:

### **3.2.1 Creating additional study pressure and stress for Asian-American students**

As Unz rightly put it, "There may even be a logical connection between these two contradictory trends. On the one hand, America over the last two decades has produced a rapidly increasing population of college-age Asians, whose families are increasingly affluent, well-educated, and eager to secure an elite education for their children. But on the other hand, it appears that these leading academic institutions have placed a rather strict upper limit on actual Asian enrollment, forcing these Asian students to compete more and more fiercely for a very restricted number of openings. This has sparked a massive Asian-American arms-race in academic performance at high schools throughout the country, as seen above in the skyrocketing math and science competition results. When a far greater volume of applicants is squeezed into a pipeline of fixed size, the pressure can grow enormously." <sup>xxiii</sup>

In addition to pressure and stress, it also creates a vicious cycle for many Asian-American students: The higher the bar Harvard and other elite universities raise for Asian-Americans, the more they have to study. Therefore, Asian-American students have to forego opportunities to pursue other interests and recreations. It makes them fit closer to the social stereotype that Asian-American children are 'nerds.' Consequently, Harvard University and other elite universities have more reasons to deny their applications for admission. In this way, Asian-American students are being further victimized in this vicious cycle of discrimination.

### **3.2.2 Negatively impact Asian-American students' trust in American institutions, self-identification and mental health**

Most Asian-Americans, regardless of whether they are new immigrants or have settled many decades ago, came to America in the belief that America offers them better opportunities for their children. However, the severe discrimination by Harvard and other Ivy League Colleges has created a significant shadow and distrust in many Asian-Americans' minds: Because they are Asian, they are discriminated against by America's elite universities and punished because they work hard.

In fact, most Asian-American parents, college counselors, and college guidance services such as Princeton Review know that Asian-American students will be discriminated against when applying to Harvard or other Ivy League Colleges. It is widely recommended that they not check the racial identification box. But this does not reduce the fears of most Asian-American applicants because if their fathers are Asians, their family names will reveal their Asian-American identity. Also, if the university asks for an interview they cannot hide their Asian identity.

The fear of being discriminated against by Harvard and other Ivy League Colleges has reinforced the negative image of Asian-Americans, which stems from many racial stereotypes and

prejudices as discussed in Section 2.3. This directly leads to a self-identity issue among many teenage Asian-Americans. According to an article “Admission Considerations in Higher Education among Asian-Americans” published by Yi-Chen (Jenny) Wu of University of Georgia, “The fear of self-identifying as Asian can affect one’s racial/ethnic identity development and have an impact on one’s mental health. Asians who did not possess a strong racial/ethnic identity rated lower scores on self-actualization and acceptance (Iwamoto & Liu, 2010), reported lower self-esteem (Tummala-Narra, Inman, & Ettigi, 2011), tended to have negative attitudes toward schooling, lower academic achievement (Lee, 2009), and could not manage race-related stress well (Yoo & Lee, 2005; Yip et al., 2008; Tummala-Narra et al., 2011). The denial of Asian heritage may also lead to the denial of Asian values, which may create cultural gaps and intergeneration conflict between the students and their parents (Ahn, Kim, & Park, 2009; Park, Kim, Chiang, & Ju, 2010). The psychological effects of this type of conflict include emotional distance between parents and children, interpersonal problems, lack of self-confidence and assertiveness, high suicidal risk, and anxiety and depression (Lee, Choe, Kim, & Ngo, 2000; Lowinger & Kwok, 2001; Kuroki & Tilley, 2012).”<sup>xxiv</sup>

### **3.2.3 Creating racial barriers between Asian-Americans and other racial groups**

Most Asian-Americans want to merge into the American melting pot and to develop pleasant relationship with other racial groups. However, the discrimination by Harvard University and other Ivy League Colleges is creating a racial divide between Asian-Americans and other racial groups.

Blessed by a pro-education culture, many Asian-American students have excellent academic performance. One of the volunteer activities they frequently engage in is tutoring students from other races. Many Asian parents have an extremely hard time telling their children that they must confront the reality that as Asian-American, their own chances of getting admitted into America’s elite universities are far less than that of the students they intend to help simply because they are of the “wrong” race.

### **3.3 Having Suffered Historical Discrimination, It Is Not Justifiable that Asian-Americans Are Now the Worst Affected Victims of Racially Based Admissions**

In American history, Asian-Americans have suffered major discrimination. The foremost example is the Chinese Exclusion Act of 1882. According to the History Channel:

“The Chinese Exclusion Act of 1882 was the first significant law restricting immigration into the United States. Those on the West Coast were especially prone to attribute declining wages and economic ills on the despised Chinese workers. Although the Chinese composed only 0.002 percent of the nation’s population, Congress passed the exclusion act to placate worker demands and assuage prevalent concerns about maintaining white ‘racial purity.’

The statute of 1882 suspended Chinese immigration for ten years and declared the Chinese as ineligible for naturalization. Chinese workers already in the country challenged the constitutionality of the discriminatory act, but their efforts failed. The act was renewed in 1892 for another ten years, and in 1902 Chinese immigration was made permanently illegal. The

legislation proved very effective, and the Chinese population in the United States sharply declined.

American experience with Chinese exclusion spurred later movements for immigration restriction against other “undesirable” groups such as Middle Easterners, Hindu and East Indians, and the Japanese. The Chinese themselves remained ineligible for citizenship until 1943.”<sup>xxv</sup>

Another significant civil rights violation aimed at Asian Americans happened during World War II. Japanese Americans were forced to relocate into internment camps. As described by the History Channel:

“In 1942, thousands of Japanese Americans living in the United States are forced into war relocation camps.

Two months after the Japanese bombing of Pearl Harbor, U.S. President Franklin D. Roosevelt signed Executive Order 9066 ordering all Japanese-Americans to evacuate the West Coast. This resulted in the relocation of approximately 120,000 people, many of whom were American citizens, to one of 10 internment camps located across the country. Traditional family structure was upended within the camp, as American-born children were solely allowed to hold positions of authority. Some Japanese-American citizens were allowed to return to the West Coast beginning in 1945, and the last camp closed in March 1946. In 1988, Congress awarded restitution payments to each survivor of the camps.”<sup>xxvi</sup>

These instances of racial discrimination and civil rights violation imposed many hardships on Asian-Americans. For example, during the sixty years when The Chinese Exclusion Act was effective, many Chinese Americans were unable to get their families united. Some had to wait tens of years to do so. Their new-born children could not obtain American citizenship.

With strong perseverance and blessed by our pro-education cultural heritage, most Asian-American families managed to climb out of poverty, and improved their education significantly. However, today, they are penalized again by their diligence and their support of their children’s education.

For many new Asian immigrants, the situation is particularly sad. Most of them came here as foreign students, selected by American universities based on their outstanding academic and other credentials. They excelled academically in the United States, and decided to stay here in their pursuit of the American dream. Many of them have become essential contributors to American high tech industries, a primary engine for American economic prosperity. However, when their children reach college-age, these parents suddenly realize that their children have a significant barrier to overcome. They have to study much harder than students of other races in order to get into America’s elite universities, including Harvard. Because of the barrier, their children may not be able to obtain similar levels of education to those they obtained.

Historically, Chinese Americans and Japanese Americans have been victims of racial discrimination and civil rights violations. When Affirmative Action in college admissions was

implemented, unfortunately, Asian-Americans became victims again. Asian-Americans do not deserve to become the largest victim of racially based college admissions.

## **4. DETAILED EVIDENCE OF DISCRIMINATION AND SPECIFIC LAWS VIOLATED**

### **4.1 Evidence Compiled by Students for Fair Admissions Inc. in its Complaint against Harvard University**

In its complaint against Harvard University, Students for Fair Admissions, Inc. has compiled comprehensive evidence on how Harvard University discriminates against Asian-Americans during its admission process:<sup>xxvii</sup>

#### **“VIII. HARVARD CURRENTLY ENGAGES IN INTENTIONAL DISCRIMINATION AGAINST ASIAN-AMERICAN APPLICANTS.**

200. Harvard intentionally discriminates against Asian-American applicants. This discrimination is shown through both direct and circumstantial evidence, including statistical studies of Harvard’s admissions decisions. These studies confirm what Asian-American applicants and their parents already know: Harvard intentionally and artificially limits the number of Asian-Americans to whom it will offer admission.

##### **A. There Is Decisive Statistical Evidence That Harvard Discriminates Against Asian-American Applicants.**

201. Each year, Harvard publishes a significant amount of data concerning its application process. Among other things, Harvard releases admitted student data and enrolled student data broken down by racial category.

202. Harvard used to allow the public to examine admission rates by race as well. More recently, however, Harvard began keeping these figures secret. Harvard has never offered an explanation for this decision.

203. By contrast, the prestigious University of California system routinely releases information about its applicant pool broken down by racial category, which allows the public to examine admission rates by race.

204. Nonetheless, significant data regarding Harvard’s applicant pool has been made publicly available.

205. This statistical evidence establishes that Harvard is intentionally discriminating against Asian-Americans by making it far more difficult for Asian-Americans than for any other racial and ethnic group of students to gain admission to Harvard.

206. Princeton professor Thomas J. Espenshade and his coauthor, Alexandra Radford, conducted an authoritative study of the role of race in elite American undergraduate admissions for their book *No Longer Separate, Not Yet Equal*, which was published in 2009. Espenshade and Radford gathered exhaustive application data on a group of three elite public and four elite private colleges.

207. Controlling for a wide variety of academic, demographic, and personal characteristics, Espenshade and Radford found that Asian-American students were dramatically less likely to be admitted than otherwise similar students who identified themselves as white or Caucasian. In fact, Espenshade and Radford's analysis showed that the negative odds-ratio affecting Asian-Americans relative to Whites was larger than the positive odds-ratio affecting African Americans relative to Whites.

208. The Espenshade-Radford study also expressed the admissions penalty facing Asian-Americans in terms of SAT-point equivalents. The authors reported that Asian-Americans needed SAT scores that were about 140 points higher than white students, all other quantifiable variables being equal, to get into elite schools. Thus, if a white student needed a 1320 SAT score to be admitted to one of these schools, an Asian-American needed a 1460 SAT score to be admitted. That is a massive penalty given that marginal differences in SAT scores are magnified among those students competing for admission to the most elite universities, as there is less room at the very top of the SAT scale to differentiate between applicants.

209. Recent statistical evidence reveals that discrimination against Asian-Americans at Harvard is even more severe than the Espenshade-Radford study found.

210. In recent years, *The Harvard Crimson* has been surveying incoming freshmen. In 2013, nearly 80% of the incoming class of 2017 responded to its survey. According to the survey, the average SAT of respondents was 2237 (on a 2400-scale), while the average SAT of individual ethnic groups varied widely: 2299 for East Asians and Indians, 2107 for African-Americans, and 2142 for Native Americans). Given this reporting, the average SAT for non-Hispanic Whites is at or somewhat below the overall median.

211. This class average (2237) corresponds to roughly the 99.5 percentile of the SAT, meaning that Harvard draws half of its class from students scoring in the top 1/2 of 1 percent of the SAT I distribution. The 'East Asian and Indian' average of 2299 corresponds to the 99.9 percentile of the SAT, meaning that Harvard draws about half of this ethnic group from the top 1/10 of 1 percent of the SAT I distribution. That is a dramatically higher standard of academic performance. Harvard requires much more of its Asian-American applicants than it requires of other races and ethnicities.

212. Dr. Richard Sander, a professor of law at UCLA, and Medha Uppala, a graduate student in statistics at UCLA, recently co-authored a working paper titled *The Evolution of SES Diversity in the Applicant Pool of Highly Selective Universities, 1994-2012*. In this working paper, Dr. Sander and Ms. Uppala examine data on several Ivy League colleges that shed valuable light on the admissions practices at these schools. The paper examines the degree to which elite colleges, including Harvard, have expanded their access in recent years to students with low socioeconomic status. The primary data source is a widely used database from the College Board, which biannually compiles anonymized data on 100,000 SAT-takers nationwide. The paper reveals startling application patterns from the aggregated data that it reports, which, in conjunction with other data sources, make manifest Harvard's massive intentional discrimination against Asian-Americans.

213. As an initial matter, the paper finds that Asian-Americans are being admitted to these schools at a far lower rate than the rate at which they apply. The paper notes that for ‘three of the most selective Ivy League colleges,’ the average racial makeup of all domestic score senders between 2008 and 2012 is 27.3 percent Asian-American, 11.3 percent African American, 12.5 percent Hispanic, 40.4 percent non-Hispanic White, and 8.5 percent other race or non-identified. Over this same time period, however, Asian-Americans represented only 17-20 percent of the admitted students. No other racial or ethnic group at these schools is as underrepresented relative to its application numbers as are Asian-Americans. Indeed, no other racial or ethnic group comes even remotely close to this level of underrepresentation.

214. Thus, if Harvard admitted randomly from its applicant pool, the number of Asian-Americans in its entering freshman class would be far higher than it actually is.

215. These data alone provide strong evidence that Harvard is engaging in intentional discrimination against Asian-American applicants absent some factor that makes this gross disparity explainable on non-discriminatory grounds.

216. Moreover, the paper’s data shows that Asian-American applicants have, on average, stronger qualifications for admission than any other racial or ethnic group applying to top Ivy League Colleges.

217. Ironically, then, the most *underrepresented* group of admitted students relative to the applicant pool is the most *overrepresented* racial or ethnic group among top academic performers.

218. Among ‘three of the most selective Ivy League colleges,’ the paper’s data shows that, during the 2008, 2010, and 2012 admissions cycles, Asian-Americans, on average, constituted nearly 39 percent of all domestic SAT-takers who (a) had scores of 2100 or higher and (b) sent their scores to these schools.

219. *The Harvard Crimson* survey, as does every other available public source, confirms that the vast majority of Harvard’s students come from this pool of applicants (with SAT scores of 2100 or higher).

220. Remarkably, students with higher test scores were even more likely to be Asian-Americans. In 2008, Asian-Americans made up 46 percent of domestic Harvard score-senders with SAT scores above 2200 (a range from which Harvard draws more than half of its students). In addition, Asian-Americans made up an even higher percentage of the very top students; they accounted for 55 percent of domestic Harvard score-senders with SAT scores above 2300. These patterns are very similar across all of the top Ivy League Colleges. In 2008-12, for the three Ivy League Colleges analyzed by Dr. Sander and Ms. Uppala, Asian-Americans made up 38.9 percent of all domestic scoresenders with SAT scores above 2100; 45 percent of domestic score-senders with SAT scores above 2200; and over 51 percent of domestic score-senders with SAT scores above 2300. These data, in combination with other publicly available data, demonstrate that Asian-Americans admitted to Harvard are vastly underrepresented—by a factor of half or

even two-thirds—relative to the number of applications from Asian-Americans that Harvard receives.

221. There is no reason to doubt that Harvard is one of the three Ivy League colleges in Dr. Sander’s and Ms. Uppala’s analysis. Harvard is among the most selective colleges in the Ivy League (if not the most selective). But even if Harvard is not one of the colleges they examined, its patterns of Asian-American enrollment and selectivity closely match those of the ‘three of the most selective Ivy League colleges’ in Dr. Sander’s and Ms. Uppala’s analysis such that there is no reason to believe their conclusions would not apply to Harvard.

222. In all events, Harvard’s data is highly consistent with *all* other Ivy League Colleges, which as Table A shows, inexplicably enroll Asian-Americans in remarkably similar numbers year after year after year.

<b>School</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Brown</b>	15%	16%	15%	15%	14%	12%	14%
<b>Columbia</b>	17%	17%	16%	16%	16%	16%	18%
<b>Cornell</b>	16%	17%	17%	16%	16%	16%	16%
<b>Dartmouth</b>	14%	14%	15%	15%	14%	14%	14%
<b>Harvard</b>	15%	17%	17%	16%	17%	18%	18%
<b>Penn</b>	17%	17%	18%	18%	18%	18%	18%
<b>Princeton</b>	14%	15%	16%	17%	18%	19%	17%
<b>Yale</b>	14%	14%	15%	15%	15%	16%	16%

223. Various additional studies confirm that Harvard is intentionally discriminating against Asian-American applicants and that it is doing so in much the same manner as it discriminated against Jewish applicants decades ago.

224. In 2012, Ron Unz, who holds an undergraduate physics degree from Harvard and studied theoretical physics at Stanford, conducted an extensive study of Ivy League admissions. *See Ron Unz, The Myth of American Meritocracy*, American Spectator (Dec. 2012). Mr. Unz found rampant discrimination against Asian-Americans by Ivy League universities generally and Harvard specifically.

225. Using data from the National Center for Educational Statistics, as well as other sources, Mr. Unz found that the ‘ethnic composition of Harvard’s undergraduates... follows a highly intriguing pattern.’ In particular, he found that after seeing a steady increase in Asian-American admissions through the 1980s and into the 1990s, in 1993 ‘Asian numbers went into reverse,

generally stagnating in the two decades that followed, with the official 2011 figure being 17.2 percent.’

226. Unz found ‘[e]ven more surprising ... the sheer constancy of these percentages, with almost every year from 1995-2011 showing an Asian enrollment within a single point of the 16.5 percent average, despite high fluctuations in the numbers of applications and the inevitable uncertainty surrounding which students will accept admission.’ Unz highlighted that ‘this exactly replicates the historical pattern ... in which Jewish enrollment rose very rapidly, leading to the imposition of an informal quota system, after which the numbers fell substantially, and thereafter remained roughly constant for decades.’

227. A report by the Consortium on Financing Higher Education, in the Harvard Class of 1995, also showed that Asian-Americans are held to a higher standard than any other group of applicants. *See* Melissa Lee, *Report Discloses SATs, Admit Rate*, *The Harvard Crimson* (May 7, 1993). Responding to this study, Dean Fitzsimmons stated that race is ‘only one factor in deciding whether a candidate is admitted,’ but that certain minority groups, particularly African Americans, are “highly sought after” and that, ‘[s]tatistically, one could make the argument that it’s easier for certain minorities [to be admitted].’

228. Dean Fitzsimmons added: ‘It’s true that admission rates for Asian-Americans and whites are lower than the admission rates for Hispanics and African American students and Native American students as well. But it’s more complicated than that. . . . The question we look at is how much more likely will white and Asian-American students have access to the kind of preparation that will make one an outstanding college candidate here.’

229. No non-discriminatory factor justifies the gross disparity in Asian-American admissions relative to their presence in Harvard’s applicant pool.

230. One non-discriminatory factor that theoretically could justify this gross disparity would be if a disproportionately high percentage of Asian-American students were clustered at the low end of the applicant pool with regard to academic qualifications as compared to other racial groups. But as Dr. Sander’s and Ms. Uppala’s paper and other data show, the opposite is in fact true. A disproportionately high percentage of Asian-American students are clustered at the high end of the applicant pool with regard to academic qualifications.

231. Another non-discriminatory factor that theoretically could justify this gross disparity would be if a disproportionately high percentage of Asian-American students were lacking with regard to non-academic criteria as compared to other racial groups.

232. But there is no data to support that theory. *See, e.g.,* Esteban M. Aucejo, Hanming Fang, and Ken Spenner, ‘Does Affirmative Action Lead to Mismatch? A New Test and Evidence,’ *2 Quantitative Economics* 303 (2011). This study found no racial advantage for underrepresented minority applicants in levels of personal achievement.

233. Studies also have shown that high-achieving Asian-American students are equally, if not more, qualified than other racial groups with regard to non-academic criteria. At the University

of California, Los Angeles (UCLA), over several years, undergraduate admissions readers assigned each applicant three types of scores: ‘academic achievement’ (principally high school grades, AP courses, and standardized test scores); ‘life challenges’ (mainly socioeconomic background); and ‘personal achievement’ (such as leadership, musical ability, and community service). These three scores jointly determined virtually all admissions decisions. *See* Peter Arcidiacono, Thomas Espenshade, Stacy Hawkins, and Richard Sander, *A Conversation on the Nature, Effects, and Future of Affirmative Action in Higher Education Admissions*, *Pennsylvania Journal of Constitutional Law* (Fall 2014).

234. The data cover over 100,000 undergraduate applicants to UCLA over three years and show absolutely no correlation between race and ‘personal achievement.’ Rather, the data show that the only strong predictor of personal-achievement scores is academic achievement; applicants with high test scores and grades tended to have personal achievement scores that were about one standard deviation higher than applicants with low test scores and grades.

235. There is no evidence that Asian-Americans applying to UCLA have personal achievement credentials that Asian-Americans applying to Harvard uniformly lack. Rather, all available evidence points in the opposite direction.

236. Moreover, notwithstanding Harvard’s public relations emphasis on nonacademic factors in reviewing applications, academic performance is the principal criteria for admission—except when it comes to minority groups that are either preferred or discriminated against based on their race and ethnicity.

237. Academic analyses of dozens of application processes at colleges and law schools around the country demonstrate that selective schools give far more weight to academic achievement and preparation than to other types of accomplishment and activity. *See* Richard Sander, *Why Strict Scrutiny Requires Transparency: The Practical Effects of Bakke, Gratz, and Grutter* (2011). In general, academic factors alone explain about 80 percent of admissions decisions at selective schools.

238. The gross disparity between the percentage of Asian-American students in the applicant pool and those in the admitted pool therefore are not explainable on any grounds other than intentional discrimination on the basis of race.

### **Elite Schools That Use Race-Neutral Admissions Have Far Higher Asian-American Enrollment.**

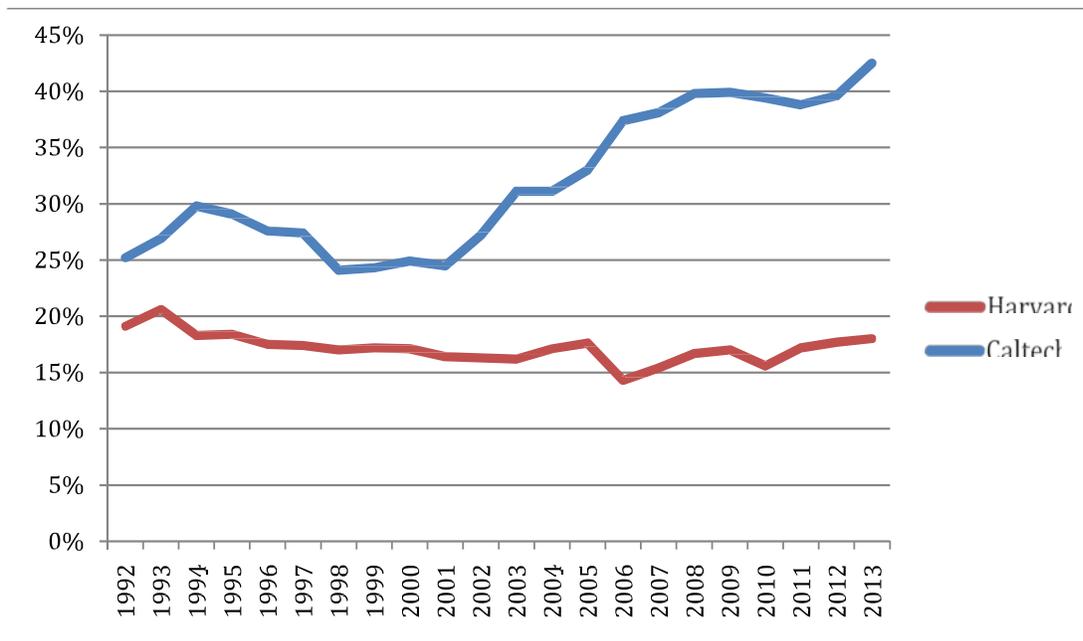
239. Other elite colleges and universities do not consider race in their admissions process, and therefore serve as controls against which to measure Harvard’s admission and enrollment figures. Those universities uniformly admit and enroll far higher percentages of Asian-American students than Harvard.

240. For example, the California Institute of Technology (Caltech) is a private school that selects its students by strict academic standards and chooses not to consider race. Almost 40 percent of its undergraduates are Asian-American.

241. Table B sets forth the Asian-American percentage of the total undergraduate enrollment at Caltech and Harvard:

<b>Table B</b>		
<b>Asian-American Enrollment</b>		
	<b>Harvard</b>	<b>Caltech</b>
<b>1992</b>	19.1%	25.2%
<b>1993</b>	20.6%	26.9%
<b>1994</b>	18.3%	29.8%
<b>1995</b>	18.4%	29.1%
<b>1996</b>	17.5%	27.6%
<b>1997</b>	17.4%	27.4%
<b>1998</b>	17.0%	24.1%
<b>1999</b>	17.2%	24.3%
<b>2000</b>	17.1%	24.9%
<b>2001</b>	16.4%	24.5%
<b>2002</b>	16.3%	27.2%
<b>2003</b>	16.2%	31.1%
<b>2004</b>	17.1%	31.1%
<b>2005</b>	17.6%	33.0%
<b>2006</b>	14.3%	37.4%
<b>2007</b>	15.4%	38.1%
<b>2008</b>	16.7%	39.8%
<b>2009</b>	17.0%	39.9%
<b>2010</b>	15.6%	39.4%
<b>2011</b>	17.2%	38.8%
<b>2012</b>	17.7%	39.6%
<b>2013</b>	18.0%	42.5%

242. The following graph represents the Asian-American enrollment trends between the two schools:



243. The University of California system also does not use racial preferences, as they were banned via popular referendum in 1996. Asian-Americans currently make up 34.8 percent of UCLA’s student body and 32.4 percent of the University of California at Berkley’s student body.

244. A similar phenomenon exists at elite high schools. Those high schools that do not employ racial preferences have extraordinarily high percentages of Asian-Americans. For example, Hunter College High School in New York chooses students without giving preference to legacies, athletes, or underrepresented minorities. This admissions system produced a student body that was 49 percent Asian-American in 2013.

245. Similarly, Thomas Jefferson High School for Science and Technology, a magnet school in Virginia that is consistently ranked one of the best high schools in the country, does not employ racial preferences. Its 2014 entering fall class is 66 percent Asian-American.

**C. Statements By Admissions Staff At Harvard And Other Schools Provide Further Evidence That Harvard Discriminates Against Asian-American Applicants.**

246. Harvard evaluators consistently rank Asian-American candidates below White candidates in ‘personal qualities.’ In comments written in applicants’ files, Harvard admissions staff repeatedly have described Asian-Americans as ‘being quiet/shy, science/math oriented, and hard workers.’

247. One Harvard official summed up the profile of a purportedly typical Asian applicant this way: ‘He’s quiet and, of course, wants to be a doctor.’

248. Another Harvard official wrote that an applicant's 'scores and application seem so typical of other Asian applications I've read: extraordinarily gifted in math with the opposite extreme in English.'

249. According to Hunter College High School's director of college counseling, admissions officers at elite universities often complain that Asian-American applicants all look the same on paper. 'When Harvard calls us back and gives us a brief synopsis of why certain [Asian] kids didn't make it, they'll say, "There were so many kids in the pool that looked just like this kid."'

250. Admissions officers at other top schools have expressed similar sentiments. For example, asked why Vanderbilt poured resources into recruiting Jewish students instead of Asian-Americans, a former administrator said, 'Asians are very good students, but they don't provide the kind of intellectual environment that Jewish students provide.'

251. Rod Bugarin, a former admissions officer at Wesleyan, Brown, and Columbia, stated: 'The bar is different for every group. Anyone who works in the industry knows that.' Without affirmative action, 'our elite campuses will look like UCLA and Berkeley,' and '[t]hat wouldn't be good for Asians or for anyone else.'

#### **D. College Counselors Acknowledge Discrimination Against Asian-Americans At Elite Universities.**

252. College counselors and advisors recognize that discrimination against Asian-Americans occurs at elite universities such as Harvard and thus tell Asian-Americans to hide their identity, to emphasize personal characteristics that avoid Asian stereotypes, and, in many cases, to lower their expectations and apply elsewhere.

253. For example, the Princeton Review, the leading guide to college admissions, gives specific recommendations for Asian-American students applying to elite schools such as Harvard on how to overcome these schools' anti-Asian-American bias. Its recommendations are both honest and discouraging.

254. According to the Princeton Review: 'Asian-Americans comprise an increasing proportion of college students nationwide. Many Asian-Americans have been extraordinarily successful academically, to the point where some colleges now worry that there are "too many" Asian-Americans on their campuses. Being an Asian-American can now actually be a distinct disadvantage in the admissions processes at some of the most selective schools in the country. Increasingly, the standard for affirmative action isn't minority status, but under-represented minority status. Since Asian-American populations at many colleges exceed the proportion of Asian-Americans to the population of the state or country as a whole, Asian-Americans are a minority, but not an underrepresented minority, at those colleges.... If you are an Asian-American—or even if you simply have an Asian or Asian-sounding surname—you need to be careful about what you do and don't say in your application.'

255. According to the Princeton Review: 'You need to avoid being an Asian Joe Bloggs. Asian Joe Bloggs is an Asian-American applicant with a very high math SAT score, a low or mediocre

verbal SAT score, high math- or science-related SAT II scores, high math and science grades, few credits in the humanities, few extracurricular activities, an intended major in math or the sciences, and an ambition to be a doctor, an engineer, or a research scientist. The more you sound like this person, the more likely admissions officers will be to treat you as part of the “Asian invasion” and reject your application, or at the very least make you compete against other Asian applicants with similar characteristics, rather than against the applicant pool as a whole.’

256. Princeton Review further explains: ‘If you share traits with Asian Joe Bloggs you should probably pay careful attention to the following guidelines:

- If you’re given an option, don’t attach a photograph to your application and don’t answer the optional question about your ethnic background. This is especially important if you don’t have an Asiansounding surname. (By the same token, if you do have an Asiansounding surname but aren’t Asian, do attach a photograph.)
- Work on your verbal SAT score, take some literature and history courses, and get involved in activities other than math club, chess club, and computer club.
- Do not write your application essay about the importance of your family or the positive/negative aspects of living in two cultures. These are Asian Joe Bloggs topics, and they are incredibly popular. Instead, write about something entirely unrelated to your ethnic background.
- Don’t say you want to be a doctor, and don’t say you want to major in math or the sciences. You don’t have to lie. If you have lousy SAT verbal scores, saying you want to be an English major isn’t going to help you, either. Just say you’re undecided. The point is to distance yourself as much as possible from the stereotype.
- These guidelines are less important if you are chiefly interested in less selective schools or if you are applying to schools where all the students take only math and science courses and dream of medical or research careers. In fact, Asian Joe Bloggs’s high math and science scores can be an advantage in applying to schools below the Ivy league level. Even there, though, the less you sound like the stereotype, the better your chances will be.’

257. Whole new industries have sprung up to help Asian-Americans overcome discrimination and secure admission to elite universities, including Harvard.

258. One organization called ‘Asian Advantage College Consulting’ promises to help an ‘Asian-American student applying to elite colleges beat the Asian Quotas.’ Its strategy is, first, recognizing that ‘Asian students need to approach the admissions process in a completely different manner than the white or non-Asian applicant’ and, second, developing a strategy to stand out from the many ‘Asian-American applicants with high grades and SAT/ACT scores, along with a seemingly impressive list of awards and achievements in science fairs, musical competitions and school-based activities like debate and the robotics club.’

259. Similarly, the Ivy League Coach, a college counseling practice, provides specific recommendations for Asian-Americans: ‘The fact is, highly selective colleges seek a diverse incoming class and a diverse incoming class does not mean an all Asian class. So Asian students do indeed compete against each other. Does that mean that an Asian-American student shouldn’t check off “Asian-American” on their college application? Not necessarily. A student should

check off the ethnicity that they're most comfortable with, the ethnicity or ethnicities that they most closely identify with. But what the article on Asians and college admissions ... doesn't say is that college admissions counselors are going to suspect that Henry Chang is Asian whether or not Henry Chang checks the box. But that doesn't mean Henry can't do something about differentiating himself from other Asian-American applicants.... Don't just be the math kid with perfect scores who competes in Mathletes. Don't just play the violin. Do something that many of the Asian-American kids in your class aren't doing.... Whether or not the following is [politically correct], it's also true: What you want to do is distinguish yourself from any perceived stereotypes.'

260. The bias against Asian-American applicants discussed by these college counselors exists at Harvard. Many high school guidance counselors caution students applying to Harvard not to list their race as Asian.

261. According to one high school guidance counselor, Asian-Americans face difficulty because they cannot distinguish themselves within their community: '[e]very single child has had music lessons. Every single child succeeds well in math. Every single child has done community service in a hospital. Every child has done Chinese or Korean studies on Saturday and is fluent in that language.'

### **E. Asian-American Applicants And Their Families Know That They Are Being Discriminated Against By Elite Universities.**

262. Asian-Americans are not blind to the discrimination employed by Harvard and other elite colleges and universities.

263. According to Princeton economist Uwe Reinhardt, 'within the Asian community, of which I'm a part, there's this feeling that, for you to get into Harvard or Princeton, you've got to be better than everybody else.'

264. According to Kara Miller, a former Ivy League admissions officer, 'Asian kids know that when you look at the average SAT for the school, they need to add 50 or 100 to it. If you're Asian, that's what you'll need to get in.'

265. For example, Iris Wang, a senior at Hunter College High School, one of the best public high schools in America, scored a 1520 SAT score and had top grades. Her father is a chemist and her mother a postal worker. She was rejected by Harvard, as well as numerous other schools. According to Wang, 'All the schools basically say, "we don't discriminate." But I went to the Columbia session and they said they value a multicultural community. If they want to be multicultural, there's only so many of one culture they can take.'

266. Daniel Golden, the Pulitzer Prize-winning reporter then of *The Wall Street Journal*, described Jamie Lee, who applied to Harvard, as well as six other elite private schools: According to Mr. Golden, 'Jamie Lee was a superb student. Born in Hong Kong to an English father and Chinese mother, he grew up in London, where teachers marveled at his ability and his IQ was measured at 162, widely considered genius level. When his family emigrated to

Greenwich, Connecticut, in 2003, he quickly established himself as a top student at Greenwich High, a premier public school. On his first tries, without a test-prep course, he scored the maximum on the PSAT, the SAT, and two of his three SAT II subject tests; on the third SAT II, writing, he missed by only 20 points, scoring 780 out of 800. Nor was he merely a standardized-test machine; his problem solving displayed impressive originality. In 2005, Jamie won the Greenwich High award given to the senior who “demonstrates creative ability and inventiveness in math, who may take the unusual approach to a problem and come up with an unexpected answer.” His creativity also emerged in music (the high school string ensemble performed his composition “Three Dances,” with Jamie on cello) and mechanical design (he built an ingenious wooden cabinet with doors that automatically opened and closed a mobile rack for storing compact discs). “He likes to be opposition and play the devil’s advocate,” said his junior-year Latin teacher, Camille Fusco. “He’s very independent in his thinking. On an essay question, he’d deliberately take the point of view I didn’t want to hear. But he got away with it because he can take any view brilliantly.”

267. Despite this academic record, Harvard—as well as Princeton, Yale, Stanford, Columbia, Dartmouth, and MIT—denied Jamie Lee admission. Fusco said he “was really shocked [Jamie] didn’t get in” because he “thought of him as a Harvard person.”

268. Jamie’s English literature teacher, Brigid Barry, said she too was “very, very surprised. There’s no doubt he’s an outstanding student,” and that in eight years of teaching AP English, she had seen the Ivy League Colleges admit many weaker candidates.

269. Marlyn McGrath Lewis, Harvard’s director of admissions, told Jamie’s father that Jamie “was an excellent student but that a number of better musicians had applied.” When asked later if Jamie was held to a higher standard because he was half Asian, Ms. Lewis declined to comment.

270. One strategy that Asian-American students applying to Harvard use is to avoid identifying their race. Many Asian-American students are unwilling to state their race at all on college applications.

271. For example, Lanya Olmstead was born in Florida to a mother who immigrated from Taiwan and an American father of Norwegian ancestry. Ethnically, she considers herself half Taiwanese and half Norwegian. But when applying to Harvard, Olmstead checked only one box for her race: white. According to Olmstead: ‘I didn’t want to put “Asian” down ... because my mom told me there’s discrimination against Asians in the application process.... Not to really generalize, but a lot of Asians, they have perfect SATs, perfect GPAs, ... so it’s hard to let them all in.’

272. Said another student: ‘As someone who was applying with relatively strong scores, I didn’t want to be grouped into that stereotype ... I didn’t want to be written off as one of the 1.4 billion Asians that were applying.’

273. Applicants who are part Asian-American regularly attempt to conceal their Asian ancestry when applying to Harvard out of concern it would greatly reduce their chances of admission.

274. For example, Harvard student Heather Pickerell, born in Hong Kong to a Taiwanese mother and American father, refused to check any race box on her application because ‘I figured it might help my chances of getting in.’

275. According to Lee Cheng, founder of the Asian-American Legal Foundation, ‘Many Chinese-American children have internalized their anger and pain, confused about why they are treated differently from their non-Chinese friends. Often they become ashamed of their ethnic heritage after concluding that their unfair denial is a form of punishment for doing something wrong.’

276. Another example is Henry Park. According to Daniel Golden’s reporting: ‘Henry Park ranked 14th out of 79 members of the class of 1998 at Groton School, a super competitive prep school in Groton, Massachusetts. He got a perfect 800 on the math SAT for a combined score of 1560 out of 1600, placing him in the top one-quarter of 1 percent of college-bound students. On the SAT II subject test, he scored another perfect 800 on the harder of the two math exams offered, along with 760 out of 800 in Latin and 740 in physics. He played violin and competed on the cross-country team, and a respected math journal published a paper he coauthored with two classmates. And as the son of hardworking, middle-class Korean immigrants who dreamed of a better life for their children and scrimped to pay Groton’s tuition, Henry seemed to embody the up-by his bootstraps American saga that is supposed to appeal to college admissions officers.’

277. Henry’s guidance counselor at Groton nevertheless discouraged him from applying to the Ivy League, telling him ‘it was a long shot at best, and advised him to lower his expectations to second- and third-tier schools.’

278. Harvard denied Henry admission, as did Yale, Brown, and Columbia. At the same time, Ivy League universities admitted 34 of Henry’s Groton classmates. According to Henry: ‘When the decisions came out, and all these people started getting in, I was a little upset. I feel I have to hold myself to a higher standard.’ Added his mother, Suki Park, ‘I was naïve. I thought college admissions had something to do with academics.’

279. Henry Park’s mother described the harm caused to Henry and his family: ‘I have thought many, many times why Henry failed. It was just devastating. He just failed like a falling leaf.... Korean Americans have to do a lot better than Caucasians to get admitted, and it’s probably the same for other Asians. It’s very, very tough. Presently, yes, there is discrimination.’

280. When MIT’s dean of admissions Marillee Jones was asked about Henry Park, who was rejected by Harvard, she said that ‘it’s possible that Henry Park looked like a thousand other Korean kids with the exact same profile of grades and activities and temperament. My guess is that he just wasn’t involved or interesting enough to surface to the top.’ To Ms. Jones, it made sense for universities to admit other students over ‘yet another textureless math grind.’

281. The ‘model minority’ stereotype of high-achieving Asian-Americans does an even greater disservice to socioeconomically disadvantaged individuals by making it virtually impossible for

disadvantaged Asian-Americans to compete with disadvantaged students from other races who are held to a lower standard.

282. For example, Kai Chan, a Princeton doctoral student in economics and the son of Chinese immigrants, describes the struggles he has endured: ‘Is it fair in the name of (skin-deep) diversity to hold back qualified students from admission to the Ivies because of their race? After all, it is a fact that Asians need higher academic achievements than their peers to get admitted to the same school.... The misguided approach of programs like affirmative action can be seen through my experience. I am the son of poor, non-English speaking parents, neither of whom attended high school. They never read to me as a child. They never attended my graduations. I went to some terrible high schools. (Altogether, I attended five high schools, one of which was known locally as “last chance high.”) I worked practically full-time while attending high school and college. But I’ve never gotten the benefit of the doubt anytime in my life. If anything, I’ve had to be better than my peers.’

283. Application statistics confirm that Asian-Americans are aware of (and have responded to) the discrimination they suffer at Harvard. As the Asian-American population of the United States has grown, so has its share of academically high achieving students. As Dr. Sander’s paper shows, Asian-Americans made up roughly 21 percent of all domestic SAT takers with scores above 1400 in the 1994, 1996, and 1998 admissions cycles. In the 2008, 2010, and 2012 admissions cycles, Asian-Americans made up roughly 33 percent of all domestic SAT takers with scores above 2100—an increase roughly proportionate to the growth of the Asian-American proportion of all SAT takers.

284. Yet during this same period, as many elite colleges, including Harvard, increasingly discriminated against Asian-Americans, the proportion of high-scoring Asian-Americans sending their scores to these schools declined sharply. As Dr. Sander and Ms. Uppala report, the proportion of Asian-Americans with top SAT scores (i.e., above 1400 in 1994-98 and 2100 in 2008-12) who sent their scores to the most selective Ivy League Colleges fell from 39.7 percent in the mid-1990s to only 27.4 percent during the 2008, 2010, and 2012 cycles. No comparable drop occurred for any other racial group.

285. Asian-Americans understand that they are not competing for admission to Harvard against the entire applicant pool. In light of Harvard’s discriminatory admissions policies, they are competing only against each other, and all other racial and ethnic groups are insulated from competing against high-achieving Asian-Americans.

286. Because Asian-Americans congregate at the high end of Harvard’s applicant pool, the competition is fierce. This has deterred and continues to deter many qualified Asian-Americans from applying to Harvard. Harvard’s discriminatory reach thus extends far beyond those highly qualified Asian-Americans who decide to apply and whose applications are treated unfairly in the admissions process.

287. This discrimination has reached and continues to reach every Asian-American student who has shied away or will shy away from applying to Harvard out of the well-founded fear that he or

she will not successfully make it out of the highly competitive Asian-American admissions pool and gain admission to Harvard.

**IX. HARVARD CURRENTLY ENGAGES IN RACIAL BALANCING.**

288. Not only does Harvard discriminate against Asian-Americans, it racially balances its entering freshman class to ensure proportional representation of the various racial and ethnic groups present in Harvard’s student body.

289. Harvard’s system of racial balancing is shown through both direct and circumstantial evidence, including statistical studies of Harvard’s admissions decisions. This evidence confirms that Harvard is not using racial preference to pursue ‘critical mass’ or any other diversity goal the Supreme Court has ever found permissible.

290. As shown in Table C, the racial demographics of Harvard’s admitted class have remained stable across all racial groups at least over the last 9 years.

<b>Table C. Harvard Admissions (Percentage of Admitted Students by Race/Ethnicity)</b>									
	<b>2014</b>	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
<b>African American</b>	11.9%	11.5%	10.2%	11.8%	11.3%	10.8%	11.0%	10.7%	10.5%
<b>Hispanic</b>	13.0%	11.5%	11.2%	12.1%	10.3%	10.9%	9.7%	10.1%	9.8%
<b>Asian-American</b>	19.7%	19.9%	20.7%	17.8%	18.2%	17.6%	18.5%	19.6%	17.7%
<b>Native American</b>	1.9%	2.2%	1.7%	1.9%	2.7%	1.3%	1.3%	1.5%	1.4%
<b>White and Other</b>	53.5%	54.9%	56.2%	56.4%	57.5%	59.4%	59.5%	58.1%	60.6%

291. As shown in Table D, the racial demographics of Harvard’s enrolled first year classes also have remained stable across all racial groups throughout the past decade.

<b>Table D Harvard Enrollment (Percentage of First Years by Race/Ethnicity)</b>											
	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>	<b>2003</b>
<b>Nonresident alien</b>	11%	11%	12%	10%	10%	10%	10%	9%	9%	9%	8%
<b>Hispanic/Latino</b>	10%	9%	10%	9%	9%	7%	8%	8%	7%	9%	8%
<b>American Indian or Alaska Native</b>	0%	0%	0%	0%	1%	1%	1%	1%	1%	1%	1%
<b>Asian-Americans</b>	19%	20%	17%	15%	17%	19%	18%	15%	19%	20%	17%
<b>Black or African American</b>	7%	6%	7%	6%	9%	8%	8%	8%	9%	9%	9%
<b>Native Hawaiian or Other Pacific Islander</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>White</b>	43%	45%	45%	44%	40%	41%	42%	44%	47%	47%	50%
<b>Two or more races</b>	7%	6%	6%	6%	0%	0%	0%	0%	0%	0%	0%
<b>Race and ethnicity unknown</b>	3%	3%	3%	11%	14%	15%	13%	15%	8%	5%	7%

292. As shown in Table E, the racial demographics of Harvard’s overall student body likewise have remained remarkably stable across all racial groups throughout the past decade.

<b>Table E Harvard Enrollment (Percentage of Student Body)</b>											
	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>	<b>2004</b>	<b>2003</b>
<b>Nonresident alien</b>	11%	11%	11%	10%	10%	10%	9%	10%	8%	8%	7%
<b>Hispanic/Latino</b>	9%	9%	9%	8%	8%	7%	7%	7%	7%	8%	7%
<b>American Indian or Alaska Native</b>	0%	0%	0%	0%	1%	1%	1%	1%	1%	1%	1%
<b>Asian-Americans</b>	18%	18%	17%	16%	17%	17%	15%	17%	18%	17%	16%
<b>Black or African American</b>	6%	6%	7%	7%	8%	8%	8%	8%	8%	8%	7%
<b>Native Hawaiian or Other Pacific Islander</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>White</b>	45%	45%	45%	44%	42%	45%	46%	45%	49%	49%	49%
<b>Two or more races</b>	6%	5%	5%	3%	0%	0%	0%	0%	0%	0%	0%
<b>Race and ethnicity unknown</b>	4%	5%	6%	12%	14%	14%	14%	14%	8%	9%	12%

293. Table C, Table D, and Table E, both individually and collectively, demonstrate that Harvard is engaging in racial balancing as there can be no nondiscriminatory reason justifying such remarkable stability in its overall student body across all racial groups over this multi-year period.

294. Indeed, Harvard’s admissions and enrollment data tends to demonstrate that Harvard is engaging in racial balancing to a statistically significant degree.

295. The year-to-year changes in the racial composition of Harvard’s admitted and enrolled freshman class also reflect racial balancing as shown by, among other things, how Harvard has managed its balance between African Americans and Hispanics, and how it has managed its balance between Asians and Non-Hispanic whites.

296. Over the period between 1994 and 2008, African American enrollment has remained extraordinarily stable at Harvard, averaging 7.8 percent with a standard deviation (calculated by year over the 14-year period) of 0.3 percent. Hispanic enrollment also remained quite stable, averaging 7.4 percent with a standard deviation of 0.4 percent. This occurred despite the fact that

throughout this period, the applicant pool of academically strong Hispanic students at Harvard and other elite Ivy League Colleges was substantially larger than the similar pool for African Americans, and the gap became larger over time.

297. Yet Harvard and its peer Ivy League colleges have consistently admitted as many African Americans as Hispanics (if not more), even though this meant using substantially larger preferences for African Americans than for Hispanics. In other words, Harvard has manipulated the size of racial preferences to ensure it maintained racial balance.

298. Over the period between 2003 and 2012, the percentage of Asian-Americans at Harvard wavered only slightly above and below approximately 17 percent. As noted earlier, this is despite the fact that, by 2008, Asian-Americans made up over 27 percent of Harvard's applicant pool, and approximately 46 percent of applicants with academic credentials in the range from which Harvard admits the overwhelming majority of students. But during this same period, Harvard's 'non-Hispanic white' representation is only slightly declining.

299. Given Harvard's other racial balancing goals, it is obvious that if Harvard evaluated Asian-Americans and non-Hispanic whites equally, non-Hispanic white admissions would drop significantly, possibly to the point where Asian-American enrollment and non-Hispanic white enrollment would be roughly comparable. Although this would cause Harvard's overall level of racial diversity to increase, not decrease, Harvard nevertheless continues to use racial balancing to keep white enrollment more than twice as high as Asian-American enrollment.

300. The minor year-to-year deviations in admissions and enrollment numbers demonstrate Harvard's commitment to maintaining racial stability over any four-year enrollment period. In other words, when enrollment of a particular racial or ethnic group exceeds or falls short of Harvard's intended goal, in the next one or two admissions cycles, Harvard admits fewer or more applicants of that racial or ethnic group in order to balance out the overall student body.

301. For example, in 2005, 18 percent of Harvard's student body was Asian-American, which was a 16-year high. In response, Harvard admitted an unusually low number of Asian-Americans in the following admissions cycle (17.7 percent). That predictably resulted in an unusually low yield of Asian-Americans enrolling at Harvard (15.0 percent). Indeed, both the 2006 admissions and enrollment figures for Asian Americans were at or near 10-year lows.

302. Similarly, in 2012, 6 percent of Harvard's overall student body was African American, which was a 24-year low. In response, Harvard admitted an unusually high number of African Americans in the next two admissions cycle (11.5 percent and 11.9 percent, respectively), which were both record highs. That predictably resulted in a usually high yield of African Americans enrolling at Harvard in 2013, which maintained an overall enrollment figure in line with the 20-year average, and would be expected to result in a similar enrollment level of African Americans in 2014.

303. No factor or criteria for admission—other than racial balancing—could explain these admissions patterns and the overall consistency of Harvard's admissions, enrollment, and overall student body figures across all racial groups.

304. As the Unz study found, ‘ethnic enrolment levels which widely diverge from academic performance data or applications rates and which remain remarkably static over time provide obvious circumstantial evidence for at least a *de facto* quota system.’”

## **4.2 Harvard’s Holistic Evaluation Approach Disproportionately Penalizes Asian-American Applicants**

On the surface, the Holistic Evaluation Approach employed by Harvard and other elite universities appears to have advantages over a pure evaluation of academics because it takes into account many other aspects of an applicant. However, since human factors play a major role in this process, it is subject to abuse if use of stereotypes and racial bias are not prevented. In addition, if rigidly applied, it may defeat the very purpose it was intended to achieve, that is, to identify the talents our elite universities should admit.

### **4.2.1 The Cookie Cutter Approach of implementing the “*Holistic Evaluation Approach*” has fundamental flaws**

By design, the “Holistic Evaluation Approach” is used to identify all-rounded candidates who have high academic capacity, excellent leadership and communication skills, and good character, often demonstrated by volunteer activities. This is clearly a good criterion for future business leaders and political leaders. However, any reasonable person may ask: Does it really apply to all the majors that Harvard and other Ivy League colleges offer, such as in physics and the sciences?

If such criteria were applied across the board, Isaac Newton and Ludwig van Beethoven would not be accepted by Ivy League colleges because of their unique personalities. Steve Jobs would not be selected because the young Jobs possessed a few undesirable personal qualities which may not meet the all-rounded standard as defined by Harvard. Albert Einstein would be declined by Harvard because he fits perfectly one of the negative stereotypes Harvard Admission officers imposed on Asian-American applicants: he was quiet and shy, science and math oriented, plus he played the violin, too!

There needs to be an objective investigation into whether Harvard applies such a cookie cutter approach to fields where raw intelligence and individual talent should outweigh leadership and other social skills, because based on disclosed evidence, proportionately too many Asian-American applicants have been rejected by Harvard using the “Holistic Evaluation Approach.”

### **4.2.2 Asian-Americans’ academic strengths are often perceived as weaknesses by Harvard’s admission officers**

In the evidence compiled by Students for Fair Admissions, Inc.<sup>xxviii</sup> “Harvard admissions staff repeatedly have described Asian-Americans as ‘being quiet/shy, science/math oriented, and hard workers.’” “Another Harvard official wrote that an applicant’s ‘scores and application seem so typical of other Asian applications I’ve read: extraordinarily gifted in math with the opposite extreme in English.’” (Since the average SAT score for enrolled East Asian and Indian American’s is 2299 in 2013 and the SAT has two out of three sections devoted to measure English, Critical Reading and Writing, it is difficult to believe that Asian-American applicants would have poor English ability as described by this admission official.)

As discussed in Section 2.3.3 due to the decline of American education quality, the United States cannot educate enough engineers and scientists to meet the rapidly growing needs of American high tech industries. The Department of Education and various organizations have initiated many programs to promote STEM (Science, Technology, Engineering and Mathematics) education. Asian-Americans have demonstrated strong abilities in such areas. However Asian-American applicants, in particular males, are frequently rejected by Harvard and other Ivy League Colleges because they possess the very qualities America needs.

#### **4.2.3 Harvard’s admission officers unreasonably give Asian-American students low scores in non-academic areas.**

According to the evidences compiled by Students for Fair Admissions, Inc., Harvard evaluators consistently rank Asian-American candidates below White candidates in “personal qualities.” This largely reflects social stereotypes that Asian-Americans are not creative, or lack leadership skills, which have been disproved by overwhelming evidence, as shown in Sections 2.3.1 and 2.3.2. “Personal achievement” is a key measure of non-academic achievement. According Dr. Sander’s study cited in Section 2.3.3, there is no evidence that Asian-American applicants to UCLA are weaker in “Personal Achievement.” There is no reason to believe Asian-American applicants to Harvard would be weaker than those who applied to UCLA.<sup>xxix</sup> The only plausible explanation is that because of the higher percentage of Asian population in California, the better exposure to Asian culture leads to less cultural stereotypes and racial biases on the part of admissions evaluators.

As a university which champions diversity, which would necessarily include accommodating applicants from different backgrounds and eliminating social stereotypes and racial bias, unfortunately Harvard has demonstrated the opposite to Asian-American communities. Many Harvard evaluators’ comments exposed in Section 4.1 reflect use of such stereotypes and racial bias in evaluating Asian American applicants.

#### **4.2.4 Harvard’s admission officers tend to perceive Asian-American applicants as undesirable candidates**

In *The Price of Admission*, Golden described the barrier for Asian-American students seeking to be accepted by Harvard and other elite universities.<sup>xxx</sup> “Beverly Lenny, then Hunter College High School’s director of college counseling, said admissions officers at elite universities often complain that Asian-American applicants all look the same on paper. When Harvard calls us back and gives us a brief synopsis of why certain [Asian] kids didn’t make it, they’ll say, ‘There were so many kids in the pool that looked just like this kid.’” There are many more similar examples cited in Section 4.1.

There are only two possible explanations for such a phenomenon. The first is that Harvard admissions officers unjustifiably use the admissions process to look for candidates with special individual traits (largely based on their personal judgment) which should not be relevant to the admissions process because, as shown above, Asian-American candidates possess all the characteristics that reasonably demonstrate academic and social achievement and that predict future success. The truth of matter is, many Asian-Americans who have allegedly similar

resumes such as strong in academics, winners of various science and other competitions have actually succeeded in different fields, sometimes as leaders and innovators.

An alternative explanation is that there is a quota for Asian-Americans at Harvard such that they have to differentiate themselves further in a pool in which, if they were members of any other race, they would have been considered qualified. In either case, Asian-Americans are improperly discriminated against.

### **4.3 Specific Laws Violated**

Title VI of the Civil Rights Act of 1964 provides: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d. Since Harvard is a private university receiving federal financial assistance, it must comply with this federal statute.

In addition, the Fourteenth Amendment of the U. S. Constitution provides, in relevant part, that no person shall be denied “the equal protection of the laws.” The “central mandate” of equal protection is “racial neutrality” by the government or institution subject to the Fourteenth Amendment. *Miller v. Johnson*, 515 U.S. 900, 904 (1995). “Whenever the government treats any person unequally because of his or her race, that person has suffered an injury that falls squarely within the language and spirit of the Constitution’s guarantee of equal protection.” *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 229-30 (2000).

Furthermore, various Supreme Court rulings have

- a) forbidden universities from using racial quotas;
- b) limited use of race as the last resort, after exhausting other means to reach their diversity goal, and limited the use of race to a “plus factor” requiring that admission processes shall “ensure that each applicant is evaluated as an individual and not in a way that makes an applicant’s race or ethnicity the defining feature of his or her application.” *Fisher*, 133 S. Ct. at 2418 (quoting *Grutter*, 539 U.S. at 337).

Based on the above laws and considering the more detailed interpretation provided in Section XI, Governing Law, of the Students for Fair Admissions Inc.’s complaint against Harvard University, filed on November 17, 2014, the ample evidences listed in Section 3.1 proves that:

#### **1) Harvard has engaged in intentional discrimination against Asian-Americans**

It is best summarized in Paragraphs 434-439 of Students for Fair Admissions Inc.’s complaint against Harvard University:<sup>xxx</sup>

“434. Harvard has intentionally discriminated against Asian-American applicants for admission on the basis of race or ethnicity based on prejudicial and stereotypical assumptions about their qualifications.

435. Harvard officials have made prejudicial and stereotypical statements about Asian-American applicants for admission. Among other things, Harvard officials have made racially stereotypical statements assuming that, as a group, Asian-Americans all have same academic interests, experiences, and personal attributes and that Asian-Americans, as a group, lack certain qualities that Harvard values.

436. Harvard's admissions system has a disproportionately negative effect on Asian-American applicants for admission that is not explainable on grounds other than intentional discrimination on the basis of race or ethnicity. As the statistical evidence demonstrates, Asian-Americans are underrepresented at Harvard in relation to their share of the applicant pool and are massively underrepresented in relation to the share of the highly qualified portion of Harvard's applicant pool. Asian-Americans represent roughly 46 percent of the highly qualified portion of Harvard's applicant pool, yet they represent only about 17 percent of those admitted and/or enrolled at Harvard over a multi-year period.

437. Harvard has a long and unfortunate history of intentional discrimination on the basis of race or ethnicity, including a history of intentional discrimination against Asian-Americans. The Harvard Plan itself is a product of admissions policies created to advance an invidious purpose. Harvard has a history of using the rubric of "holistic" admissions in general, and the Harvard Plan in particular, to limit the admission of Jewish applicants and other minority groups. Indeed, Harvard is using the same pretextual excuses to justify its disparate treatment of Asian-Americans that it used to deny that it was discriminating against Jewish applicants in the past. In short, Harvard's intentional discrimination against Asian-American applicants exhibits the same pattern as its previous discrimination against Jewish applicants.

438. Harvard's departure from its normal procedures, including its abrupt decision to no longer make public the application figures grouped by racial category, demonstrates that steps were taken for the improper purpose of engaging in intentional discrimination on the basis of race or ethnicity.

439. Harvard's substantive decision to abandon or place considerably less reliance, when it comes to Asian-Americans, on the academic factors it usually considers important for purposes of granting or denying admission demonstrates that Harvard is engaging in intentional discrimination on the basis of race or ethnicity."

As we argued in Section 2.4 and 3.2, many of the stereotypes and prejudices used by Harvard admissions officials are totally biased and contrary to the facts.

In addition, the studies published by Daniel Golden, Thomas Espenshade & Alexandra Radford have indicated that elite universities including Harvard use racially differentiated standards in their admissions process.

## **2) Harvard has engaged in racial rebalancing, use of a de facto racial quota, to discriminate against Asian-American Applicants**

The evidence was first uncovered by Unz (2012), and is summarized in Paragraphs 449-452 of Students for Fair Admissions Inc.’s complaint against Harvard University:<sup>xxxii</sup>

“449. The remarkable stability of Harvard’s admissions figures across racial and ethnic groups—especially in the overall student body—demonstrates that Harvard is seeking proportional representation and therefore is engaged in racial balancing.

450. There is no non-discriminatory reason that could justify admissions figures this stable across all racial groups over a period of several years given the unique characteristics of each applicant for admission. If Harvard were truly treating each applicant for admission as an individual, as it professes to do, ‘[o]ne would expect the percentage of specified minority enrollees produced by such a such a system to vacillate widely from year to year, reflecting changes in each year’s applicant pool.’ Alan Dershowitz and Laura Hanft, *Affirmative Action and the Harvard College Diversity- Discretion Model: Paradigm or Pretext*, 1 Cardozo L. Rev. 379, 382 n.13 (1979). That is not happening.

451. The pursuit of ‘critical mass’ could never justify admissions figures this stable given the balancing that occurs between African-American and Hispanic applicants. But even if the pursuit of “critical mass” led to stable admissions figures for African Americans and Hispanics, which it did not, that would not provide a nondiscriminatory explanation for why the white and Asian-American admissions and enrollment figures have been this stable over a multi-year period.

452. The stability of Harvard’s admission and enrollment figures across all racial groups notwithstanding the massive changes in the racial and ethnic makeup of Harvard’s admissions pool over time—especially the significant increase in highly qualified Asian-American applicants—confirms that Harvard is engaged in racial balancing.”

## **3) Harvard has used race in its admissions process well beyond a merely a “plus” factor or merely to fill the last “few places” in the incoming freshman class, as might be allowed by relevant Supreme Court Decisions**

According to Students for Fair Admissions, Inc., the statistical evidence demonstrates that Harvard is not using race merely as a “plus” factor<sup>xxxiii</sup> or merely to fill the last few places in the entering freshman class.<sup>xxxiv</sup> Rather, especially for Asian-Americans, race or ethnicity is a factor in the admissions decision reaching far beyond those competing for the last few places. The only plausible explanation that could account for the remarkably low admissions rate for high achieving Asian-American applicants is that Harvard uses race as a dominant factor when evaluating Asian-American applicants (only about 17 percent of those admitted and/or enrolled at Harvard over a multi-year period out of roughly 46 percent of the highly qualified portion of Harvard’s applicant pool).

The above violations of existing laws and relevant Supreme Court decisions have caused harm and injury to Asian American applicants and their families. Such violations have severely

undermined the equal protection guaranteed to all citizens, including Asian-American citizens, by the Constitution of the United States.

These violations of law also severely undermine American Meritocracy, a value treasured by most Asian-Americans and non-Asian-Americans alike, and an essential mechanism needed to ensure American racial equality and economic prosperity.

## **5. ASIAN-AMERICANS' VIEWS ON AMERICAN EDUCATION AND COLLEGE ADMISSION**

Since this Administrative Complaint involves one of the most sensitive issues in American education, we would like to take this opportunity to clarify Asian-American communities' viewpoints on this issue.

### **5.1 Asian-Americans Care about American Education Progress**

Asian-Americans value education because education is essential in developing a responsible person and improving people's living standards. Asian-Americans are significant contributors to American education. Below are just some examples:

- Many Asian-Americans are college heads, department chairs, professors in various American universities and teachers in many American elementary, middle and high schools. They are essential contributors to American education.
- Fareed Zakaria, the host of CNN Global Public Square program frequently introduces fresh education ideas to help improve American educations.
- Yukong Zhao<sup>xxxv</sup> and Quanyu Huang<sup>xxxvi</sup> have published books to share with American families with proven mainstream Chinese-American parenting and education experiences, which are primarily based on the strengths of Confucian values and American education methods, not overly strict parenting.
- Yingchao Zhang, Yang Shao, Jesse Liu, Jerry Shi, Zhaobo Wang and many other Asian-Americans serve on various local school boards, bringing Asian-American education wisdom to schools while taking back strengths of American education to Asian-American communities.
- Zuming Feng,<sup>xxxvii</sup> a math teacher at Philips Exeter Academy of New Hampshire, has devoted many extra hours to lead the USA International Mathematical Olympiad Team since 2003. Though not as famous or rich as sports team coaches, Mr. Feng and other STEM educators are making essential contributions to America high tech industries, the foundation of American prosperity.
- Andrew Ng,<sup>xxxviii</sup> co-founded Coursera, an educational technology firm, which aims to drastically reduce the cost of college education.
- Each summer, over 20 small Chinese organizations in Houston launch the Chinese American Relief Effort (C.A.R.E), donating funds to a poor elementary school selected in disadvantage communities, to cover school supplies for all of its students for the whole school year. In 2014, they helped 1720 students.<sup>xxxix</sup>
- Every day in America, many Asian-American students volunteer their precious time, tutoring students with weaker academic performance, in particular those from disadvantaged communities.

The list can be much longer. The truth of matter is, Asian-Americans care about American education progress, including the education attainment of disadvantaged communities.

### **5.2 Asian-Americans' View on College Admission**

In addition to education, Asian-Americans also care about the poor and the disadvantaged because most Asian-Americans came from poor countries and know it is hard to grow and obtain

good education in such environments. After observing many poor children living in disadvantage communities, we clearly want to help them in education. As a result, Asian-Americans generally support Affirmative Action in college admission if (1) it is based on an objective evaluation of applicants' economic conditions, (2) its implementation would not significantly undermine American meritocracy, and (3) it is effective in improving the education quality of disadvantaged communities.

We understood that economic-conditions-based Affirmative Action will favor more applicants in African American and Hispanic communities than in Asian-American communities because they have more populations living in poor neighborhoods, but we are willing to support such Affirmative Action.

However, as the racial group worst affected by race-based Affirmative Action in college admissions, we do not support its continuation because race-based Affirmative Action in college admissions is unfair and creates racial tensions. It favors well-off African American or Hispanic applicants over Asian or White American applicants with poor or similar economic conditions. In high schools, there are many high performing African American and Hispanic students. The majority of them are from well-off families or families living in middle class neighborhoods. The preferences given to them have penalized Asian and White Americans unfairly. In contrast, a race-blind, economically-based Affirmative Action policy will treat all races fairly, and give favorable consideration to the poor, the ones who truly need help.

Furthermore, what America needs to do is to take on the root cause of the problem—improving the educational attainment of disadvantaged communities. This requires educational reform, targeted funding, and embracing pro-education values in our society. Many Asian-Americans have joined this important endeavor.

In summary, as illustrated in many examples in Section 5.1, Asian-Americans care about and are making contributions to American education, in particular education quality in America's disadvantaged communities. We believe the better solution is to confront and solve the low educational attainment issues in disadvantaged communities. If Affirmative Action in college admissions needs to be extended for the foreseeable future, economic-condition based Affirmative Action is much fairer and more effective than race-based Affirmative Action. American college admissions processes should not be treated as a zero-sum racial allocation game, instead, admissions should be primarily based on meritocracy, one of many fundamental values that make America the greatest nation in the world.

## 6. CONCLUSION AND REQUEST FOR RELIEF

Based on the overwhelming evidence uncovered by Daniel Golden, Thomas Espenshade/Alexandra Radford, Ron Unz, Richard Sander, as well as that compiled by Students for Fair Admissions, Inc., plus our direct observations in Asian-American communities, we believe that Harvard University has engaged illegally in direct discrimination against Asian-American applicants by using (i) stereotypes and racial bias in its subjective “Holistic Evaluation Approach,” (ii) racial quota/rebalancing and (iii) race as a major factor beyond what is allowed by relevant Supreme Court decisions. Consequently, Asian-American applicants have become the largest group of victims of Harvard’s racially based admissions practices.

In its ugliest essence, such practice is in the same vein as the past discrimination and exclusion of Asian-Americans, including, among instances, the Chinese Exclusion Act of 1882 and the internment of Japanese-Americans during World War II. Shockingly, America’s elite universities, even today, are still violating the civil rights of Asian-American applicants on a continuous and systematic basis, and have been able to carry out their patently unconstitutional activities with little or no governmental intervention. It is imperative for the U.S. Federal Government to intervene in a forceful manner to protect the constitutional rights of Asian-American applicants and their families against continued infringement by Harvard and other colleges.

As a result, complainants request that the Department of Education and the Department of Justice to grant the following remedies and enforce the same:

- 1) Require the Office of Civil Rights of the U.S. Department of Education, Educational Opportunities Section of the Department of Justice’s Civil Rights Division to launch objective investigations.
- 2) Require Harvard University to immediately cease and desist from using stereotypes, racial biases and other discriminatory means in evaluating Asian-American applicants during its admission process.
- 3) Require Harvard University immediately to cease and desist from using racial quotas or racial balancing in its admissions process.
- 4) Require Harvard University to immediately cease and desist from using race in its admissions process; OR, in the alternative, require Harvard University to strictly limit its use of race only to the extent permissible under relevant Supreme Court decisions.
- 5) Require Harvard University to limit the subjective components in its applicant evaluation process, using them only to the extent justified by the purposes of education, not racial balancing.
- 6) Require Harvard University to disclose the qualifications of its applicant pool, at least at a level comparable to such data disclosed by elite public universities, given that Harvard, too, is the recipient of significant federal funding.
- 7) Require the Office of Civil Rights, Department of Education and/or Civil Rights Division, Department of Justice to take proper measures as are necessary to ensure that Harvard and other Ivy League Schools will never again discriminate against Asian-Americans, or applicants of any other race.

## **List of Co-Complainants (Coalition of Asian American Associations)**

- 1) 1441 Manufactured Home Residents Association (Rowland Heights, CA)
- 2) 80-20 Initiative Washington DC Area Chapter
- 3) American Society of Engineers of Indian Origin
- 4) Anhui Association of Texas
- 5) AsianAmericanVoters.org
- 6) Asian Americans for Political Advancement-PAC
- 7) Asian American Legal Foundation
- 8) Beijing Institute of Technology Alumni Association at Silicon Valley
- 9) BIT Sindri Alumni Association of North India
- 10) Boston Forward Foundation
- 11) Bostonese.com (English-Chinese Online Journal)
- 12) Chinese American Association of Orange County
- 13) Chinese American Equalization Association
- 14) Chinese American for Progress and Equality
- 15) Chinese School of Tomorrow (Orlando, FL)
- 16) Conejo Chinese Cultural Association
- 17) Dallas / FT.Worth Chinese Alliance
- 18) Global Organization of People of Indian Origin-Los Angeles Chapter
- 19) Great Neck Chinese Association
- 20) Hanlin Education Foundation of America
- 21) Henan Association of Northern California
- 22) Houston Chinese Alliance
- 23) Houston Chinese Civic Center
- 24) Houston Jiangsu Association
- 25) Houston Shanghai Association
- 26) Houston Zhiqing Association
- 27) Howard County Chinese Parents Group
- 28) Huazhong University of Science & Technology Alumni Association of Southern California
- 29) Inner Mongolia Association
- 30) International Chinese Transportation Professionals Association - Texas Chapter
- 31) Korean Parents Organization of Millburn and Short Hills
- 32) Livingston Chinese Association
- 33) Livingston Huaxia Chinese School
- 34) Long Island Chinese American Association
- 35) Long Island School of Chinese
- 36) Millburn Short Hills Chinese Association
- 37) National Federation of Indian American Associations

- 38) Noah Private Foundation
- 39) Noble Tree Publishing Inc.
- 40) Northern California Chinese Athletic-Cultural Federation
- 41) Overseas Hubei-er Association
- 42) Overseas Chinese Association of Miami
- 43) Pakistan Policy Institute
- 44) Peking University Alumni Association of Southern California (PUAASC)
- 45) San Antonio Chinese Alliance
- 46) San Diego Asian American for Equality
- 47) Shah Latif Cultural Institute of Texas (SLCIT)
- 48) Shandong Fellowship Association of Southern USA
- 49) Silicon Valley Chinese Association Foundation
- 50) Silicon Valley Women Alliance
- 51) Sino Professionals Association
- 52) Texas Guangdong Association
- 53) Texas Northeast Chinese Association
- 54) The Federation of Florida Chinese Association
- 55) The Orange Club
- 56) Tri-Valley Korean American Parents Association
- 57) Tsinghua University Alumni Association of Southern California
- 58) United Asian Americans for Activism
- 59) United Chinese Association of Utah
- 60) United for a Better Community (UBC)
- 61) US California Henan Association
- 62) US Shangdong Culture and Education Foundation
- 63) US Shangdong Fellowship Association
- 64) USTC Alumni Association of Greater New York

**Note:** In order to protect signing individual's privacy, we hereby request signature pages of above organizations to be treated confidential by Civil Rights Division, Department of Justice and Office for Civil Rights, Department of Education. Therefore, they are included in Appendix of this Complaint separately.

## Appendix: Signature pages of co-complainants (Request for confidentiality)

### References:

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- <sup>i</sup> Golden, Daniel. *The Price of Admission: How America's Ruling Class Buys Its Way into Elite Colleges and Who Gets Left Outside*. New York: Three Rivers Press 2007.
- <sup>ii</sup> Espenshade, Thomas J. & Alexandra Radford, *No Longer Separate, Not Yet Equal: Race and Class in Elite College Admission and Campus Life*, Princeton University Press, 2009.
- <sup>iii</sup> Unz, Ron. "The Myth of American Meritocracy: How corrupt are Ivy League admissions?" December 2012: 14-51.
- <sup>iv</sup> Students for Fair Admissions, I. (2014). *SFVA-v.-Harvard-Complaint*. Boston: Filed in the U.S. District Court for the District of Massachusetts Boston Division, November 17, 2014.
- <sup>v</sup> Students for Fair Admissions: 45.
- <sup>vi</sup> U.S. Census data
- <sup>vii</sup> Source: various U.S. Census data.
- <sup>viii</sup> Source: Unz, Ron. "The Myth of American Meritocracy":18.
- <sup>ix</sup> Unz, Ron. "The Myth of American Meritocracy":19-22.
- <sup>x</sup> Thomson Reuters, "Top 100 Materials Scientists," March 2, 2011, <http://www.technologyreview.com/lists/innovators-under-35/2014/>
- <sup>xi</sup> MIT Technology Review, "35 Innovators Under 35 (2014)," <http://www.technologyreview.com/lists/innovators-under-35/2014/>
- <sup>xii</sup> Unz, Ron. "The Myth of American Meritocracy":20-21.
- <sup>xiii</sup> Ewing Marion Kauffman Foundation, "Then and Now: America's New Immigrant Entrepreneurs, Part VII," October 2012, [http://www.kauffman.org/~media/kauffman\\_org/research%20reports%20and%20covers/2012/10/then\\_and\\_now\\_americas\\_new\\_immigrant\\_entrepreneurs.pdf](http://www.kauffman.org/~media/kauffman_org/research%20reports%20and%20covers/2012/10/then_and_now_americas_new_immigrant_entrepreneurs.pdf)
- <sup>xiv</sup> The Pew Research Center, "The Rise of Asian Americans," Updated edition, April 4, 2013: 1.
- <sup>xv</sup> Students for Fair Admissions: 51-52.
- <sup>xvi</sup> Students for Fair Admissions: 39-41.
- <sup>xvii</sup> Harvard University's response to the lawsuit by Students for Fair Admissions, 33-34, Boston: Filed in the U.S. District Court for the District of Massachusetts Boston Division, February 18, 2015.
- <sup>xviii</sup> Golden, Daniel. *The Price of Admission*: Chapter 7.
- <sup>xix</sup> Dhar, Rohin, "Do Elite Colleges Discriminate Against Asians?" Priceconomics.com, April 24, 2013, <http://priceconomics.com/post/48794283011/do-elite-colleges-discriminate-against-asians>
- <sup>xx</sup> Unz, Ron. "The Myth of American Meritocracy":17-22.
- <sup>xxi</sup> Unz, Ron. "The Myth of American Meritocracy":17-22.
- <sup>xxii</sup> Students for Fair Admissions: 45-46.
- <sup>xxiii</sup> Unz, Ron. "The Myth of American Meritocracy":21.
- <sup>xxiv</sup> Wu, Yi-Chen (Jenny), University of Georgia, "Admission Considerations in Higher Education Among Asian-Americans" American Psychology Association, <http://www.apa.org/pi/oema/resources/ethnicity-health/asian-american/article-admission.aspx>.
- <sup>xxv</sup> History Channel, <http://www.history.com/topics/chinese-exclusion-act>

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<sup>xxvi</sup> History Channel, <http://www.history.com/topics/world-war-ii/japanese-american-relocation>

<sup>xxvii</sup> Students for Fair Admissions: 43-72.

<sup>xxviii</sup> Students for Fair Admissions: 56.

<sup>xxix</sup> Students for Fair Admissions: 52.

<sup>xxx</sup> Golden, Daniel. *The Price of Admission*: Chapter 7.

<sup>xxxi</sup> Students for Fair Admissions: 102-104.

<sup>xxxii</sup> Students for Fair Admissions: 106.

<sup>xxxiii</sup> Students for Fair Admissions: 108.

<sup>xxxiv</sup> Students for Fair Admissions: 111.

<sup>xxxv</sup> Yukong Zhao is Chinese-American author of *The Chinese Secrets For Success: Five Inspiring Confucian Values*, which shares Asian-American experiences on education, parenting and money management to mainstream American audiences. He has also published columns/blogs at *Forbes Magazine*, *Orlando Sentinel*, and *StudentsFirst* to advocate a pro-education culture.

<sup>xxxvi</sup> Quanyu Huang is a Chinese-American author of *The Hybrid Tiger*, which shares balanced Chinese-American parenting experiences with American audiences.

<sup>xxxvii</sup> <http://www.scienceworkshophk.com/math-strategies-1314/dr-fengs-background-1314>

<sup>xxxviii</sup> <http://cs.stanford.edu/people/ang/>

<sup>xxxix</sup> <http://www.houstoncare.org/>