

EXHIBIT

A

**UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF NORTH CAROLINA**

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

THE UNIVERSITY OF NORTH
CAROLINA AT CHAPEL HILL, et al.,

Defendants.

Civil Action No. 1:14-cv-954-LCB-JLW

DECLARATION OF LAURA GAZTAMBIDE-ARANDES

I, Laura Gaztambide-Arandes, hereby declare as follows:

1. I am over the age of eighteen and am competent to make this Declaration. I have personal knowledge of the matters set forth herein.

2. I am co-counsel for Defendant-Intervenors in the above-captioned case. I have been admitted *pro hac vice* to practice in the Middle District of North Carolina. Defendant-Intervenors are also represented by Jack Holtzman (N.C. Bar No. 13548) and Emily P. Turner (N.C. Bar No. 49578) of the North Carolina Justice Center.

3. I submit this Declaration in support of Defendant-Intervenors' Brief in Response to Plaintiff's Motion for Summary Judgment.

A. Exhibit 1 is a true and correct copy of the Declaration of Defendant-Intervenor Laura Ornelas, dated June 23, 2015. Exhibit 1 was previously filed on June 30, 2015 as Exhibit 1.9 of Defendant-Intervenors' Motion to

Intervene in Defense of the University of North Carolina at Chapel Hill's Admission Policy (ECF No. 39).

- B. Exhibit 2 is a true and correct copy of the Declaration of Defendant-Intervenor Luis Acosta, dated June 23, 2015. Exhibit 2 was previously filed on June 30, 2015 as Exhibit 1.7 of Defendant-Intervenors' Motion to Intervene in Defense of the University of North Carolina at Chapel Hill's Admission Policy (ECF No. 39).
- C. Exhibit 3 is a true and correct copy of the Declaration of Defendant-Intervenor Cecilia Polanco, dated June 23, 2015. Exhibit 3 was previously filed on June 30, 2015 as Exhibit 1.6 of Defendant-Intervenors' Motion to Intervene in Defense of the University of North Carolina at Chapel Hill's Admission Policy (ECF No. 39).
- D. Exhibit 4 is a true and correct copy of the Declaration of Defendant-Intervenor Andrew Brennen, April 3, 2017. Exhibit 4 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- E. Exhibit 5 is a true and correct copy of the Declaration of Siena Scarbrough, dated June 18, 2017. Exhibit 5 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- F. Exhibit 6 is a true and correct copy of the Declaration of Hanna Watson, dated May 4, 2017. Exhibit 6 was produced during discovery by Defendant-Intervenors on January 12, 2018.

- G. Exhibit 7 is a true and correct copy of the Declaration of D'Angelo Gatewood, dated June 2, 2017. Exhibit 7 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- H. Exhibit 8 is a true and correct copy of the Declaration of Lisa-Anne Staton Dyer, dated June 20, 2017. Exhibit 8 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- I. Exhibit 9 is a true and correct copy of the Declaration of Kenneth Ward, dated May 30, 2017. Exhibit 9 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- J. Exhibit 10 is a true and correct copy of the Declaration of Hanna Watson, dated May 4, 2017. Exhibit 10 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- K. Exhibit 11 is a true and correct copy of the Declaration of Patsy B. Zeigler, dated May 30, 2017. Exhibit 11 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- L. Exhibit 12 is a true and correct copy of the Declaration of Gwenevere Charlene Parker, dated May 31, 2017. Exhibit 12 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- M. Exhibit 13 is a true and correct copy of the January 9, 2018 Expert Report of Dr. David S. Cecelski, produced by Defendant-Intervenors during discovery on January 12, 2018.

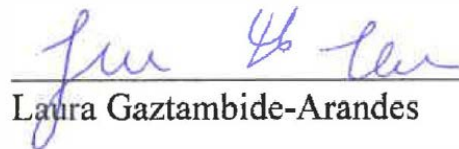
- N. Exhibit 14 is a true and correct copy of the April 6, 2018 Response to the Expert Report of Richard D. Kahlenberg by Dr. Mitchell J. Chang, produced by Plaintiffs during discovery.
- O. Exhibit 15 is a true and correct copy of the Declaration of Valerie Newsome Hayes, dated May 29, 2017. Exhibit 15 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- P. Exhibit 16 is a true and correct copy of the Declaration of Defendant-Intervenor Star Wingate-Bey, dated June 22, 2015. Exhibit 16 was previously filed on June 30, 2015 as Exhibit 1.8 of Defendant-Intervenors' Motion to Intervene in Defense of the University of North Carolina at Chapel Hill's Admission Policy (ECF No. 39).
- Q. Exhibit 17 is a true and correct copy of the Declaration of Adrian C. Douglass, M.D., dated May 31, 2017. Exhibit 17 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- R. Exhibit 18 is a true and correct copy of the Declaration of Diandra Anna-Kay Dwyer, dated May 9, 2017. Exhibit 18 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- S. Exhibit 19 is a true and correct copy of the Declaration of Alan C. Frazier, dated June 2, 2017. Exhibit 19 was produced during discovery by Defendant-Intervenors on January 12, 2018.

- T. Exhibit 20 is a true and correct copy of the Declaration of Maria Gomez Flores, dated June 1, 2017. Exhibit 20 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- U. Exhibit 21 is a true and correct copy of the Declaration of Shatifa Searles, dated May 30, 2017. Exhibit 21 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- V. Exhibit 22 is a true and correct copy of the Declaration of Rimel Mwamba, dated May 4, 2017. Exhibit 22 was produced during discovery by Defendant-Intervenors on January 12, 2018.
- W. Exhibit 23 is a true and correct copy of the Declaration of Pamela Phifer White, dated June 16, 2017. Exhibit 23 was produced during discovery by Defendant-Intervenors on January 12, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED WITHIN THE UNITED STATES ON: March 4, 2019

BY:



Laura Gaztambide-Arandes

EXHIBIT

1

**UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF NORTH CAROLINA**

STUDENTS FOR FAIR ADMISSIONS,
INC,

Plaintiff,

v.

THE UNIVERSITY OF NORTH
CAROLINA AT CHAPEL HILL, et al.,

Defendants.

Civil Action No. 1:14-cv-954-LCB-JLW

DECLARATION OF LAURA ORNELAS

Laura Ornelas, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Laura Ornelas, I am over 18 years of age, and I am fully competent to make this declaration.
2. I am a full-time undergraduate student at UNC-Chapel Hill. I am a rising junior and am pursuing a major in Hispanic Linguistics and Latin American Studies.
3. I am Hispanic.
4. I chose to attend UNC-Chapel Hill because of its proximity to home and the low cost of attendance. Being close to home was very important to me.
5. I believe my background enables me to offer unique perspectives and cultural experiences in my academic and campus activities. I came to UNC-Chapel Hill from a high school that was predominately white, and I am one of only a handful of minority students from my school who went to a top-tier university. This environment

was very different than the upbringing my parents had, so I have a varied perspective on what it means to experience life as a Latina. It is easier for me to understand different perspectives because the people closest to me have experienced a lot. I think many other UNC-Chapel Hill students have a more limited experience with different cultural perspectives.

6. I believe the benefits of racial or ethnic diversity play an important role in a number of academic and campus activities that affect my undergraduate experience, including lectures, seminars, residential life, student government, communities of faith, extracurricular activities, and community service programs. In particular, I have been involved with the Scholars' Latino Initiative (SLI), as a mentor and a member of the Executive Board. SLI is an organization within UNC-Chapel Hill's Center for Global Initiatives that creates three-year mentoring partnerships between UNC-Chapel Hill students and high achieving Latino/a students to prepare the high school students for enrollment in a college or university. These activities benefit enormously from racial and ethnic diversity and by the membership of people from different backgrounds.

7. I currently experience academic and personal benefits from UNC-Chapel Hill's racially diverse student body. I've met people at UNC-Chapel Hill from a variety of backgrounds who have had life experiences similar to my own. Attending school in a predominantly white school system made me feel I was the "exception to the rule" for a very long time. Meeting other minority students at UNC-Chapel Hill made me realize that there are plenty of minority students accomplishing the same things I am.

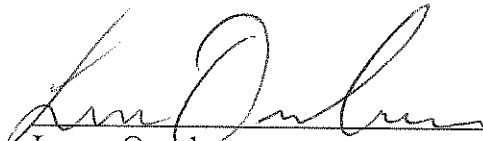
8. I believe my education would be harmed if UNC-Chapel Hill stopped considering race in its admission decisions. The current policy facilitates the admission of strong Hispanic students, which improves my educational experience by allowing me to learn alongside a greater number of Hispanic students so that I do not feel singled out, or made to feel that I have to be a spokesperson for my race/ethnicity. The policy facilitates the admission of underrepresented minority students with racial or ethnic backgrounds different from my own and from whom I feel I learn both inside and outside the classroom. I want to work in an international setting, so it is important for me to be around people who have different backgrounds and world views.

9. I want to learn and live alongside students who are each a part of a critical mass of their race/ethnicity. To facilitate that, I would like to see an increase in the number and diversity of underrepresented racial groups admitted to UNC-Chapel Hill. Though I have many more Latino peers at UNC-Chapel Hill than I did in high school, I still feel that we are underrepresented. I would love to see more minority students on campus because we have a variety of perspectives that are not always heard on campus.

10. Racial issues among UNC-Chapel Hill students can be difficult. I noticed racial tension most during the debate over whether or not to rename Saunders Hall. William L. Saunders was a UNC alumnus and a member of the Ku Klux Klan. Many of my peers think it is insensitive to students of color to name a building after a person with such a history. At the same time, Saunders is still part of our past and changing the name can be seen as trying to change history, which is impossible. When issues like this arise,

the university administration has the difficult job of balancing diverse, and sometime opposing, perspectives. It is difficult to handle issues fairly in an unfair world.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 23 day of June, 2015.



Laura Ornelas

EXHIBIT

2

**UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF NORTH CAROLINA**

STUDENTS FOR FAIR ADMISSIONS,
INC,

Plaintiff,

v.

THE UNIVERSITY OF NORTH
CAROLINA AT CHAPEL HILL, et al.,

Defendants.

Civil Action No. 1:14-cv-954-LCB-JLW

DECLARATION OF LUIS ACOSTA

Luis Acosta, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Luis Acosta, I am over 18 years of age, and I am fully competent to make this declaration.
2. I am a full-time undergraduate student at UNC-Chapel Hill. I am a rising junior and am pursuing majors in Chemistry and Global Studies.
3. I am Hispanic.
4. I chose to attend UNC-Chapel Hill because it is known as a prestigious public institution and has a great Pre-Med program. I knew that it would be a big change for me. I wanted to move farther from home and to be able to meet a diverse group of people. At UNC-Chapel Hill I have been able to do just that. I also received a lot of

financial assistance from UNC-Chapel Hill, which was an important factor in my decision to attend UNC-Chapel Hill.

5. I believe my background enables me to offer unique perspectives and cultural experiences in my academic and campus activities. Almost all of my family lives outside of the United States, which sets me apart from many of my peers. I am the first member of my family to attend college, and I did not grow up with English as my first language. My parents are very supportive, but they could not give me advice on picking a college or help me navigate the admissions process like the parents of many other UNC-Chapel Hill students. I have had to figure a lot out on my own. I am also at a disadvantage financially compared to most of my peers. I came from a high school that was primarily white and I was one of two minority students in my graduating class to attend UNC-Chapel Hill. We were the only minority students in our class to attend a top-tier university. Growing up speaking Spanish and without many resources from my parents has made me a lot more independent, and other students have asked me about my journey. Sharing my experiences with other UNC students has allowed them to see and understand a different perspective of life. I like being able to share my culture with people who are different from me.

6. I believe the benefits of racial and ethnic diversity play an important role in a number of academic and campus activities that affect my undergraduate experience, including lectures, seminars, residential life, student government, communities of faith, extracurricular activities, and community service programs. In particular, I have been

involved with the Mezcla Spanish Magazine Committee, the Scholars' Latino Initiative, Student Action with Farmworkers, the Rural Health Group, the Pielak Chemistry Lab, and several tutoring and mentoring programs. I am a mentor and volunteer at the Boys and Girls Club of Henderson County, McDougle Middle School, and Frank Porter Graham Elementary Bilingual School. During my Freshman year, I was also a mentor and volunteer at Helping Youth by Providing Enrichment. These activities benefit enormously from racial and ethnic diversity and by the membership of people from different backgrounds.

7. I currently experience academic and personal benefits from UNC-Chapel Hill's racially diverse student body. It has been fascinating learning about the different cultures here and how some are so related to mine. I have enjoyed being able to hear all the stories of ethnically diverse students and I also enjoy being in a different setting than where I grew up. Back home I felt a lot more ethnic tension. I often felt uncomfortable and sometimes encountered really ugly situations or comments. I would feel like I did not belong in my Honors and AP classes, but at UNC-Chapel Hill I do not have that problem. The environment here is different and better because when I interact with others, I see a pool of all different colored faces instead of a sea of white faces like back home. I feel like I belong at UNC-Chapel Hill.

8. I believe my education would be harmed if UNC-Chapel Hill stopped considering race in its admission decisions. The current policy facilitates the admission of strong Hispanic students, which improves my educational experience by allowing me

to learn alongside a greater number of Hispanic students so that I do not feel singled out as a spokesperson for my race/ethnicity. The policy likewise facilitates the admission of underrepresented minority students from racial or ethnic backgrounds different from my own and from whom I feel I learn both inside and outside the classroom. For example, I have been able to spend time with some Indian and Asian students at UNC-Chapel Hill from whom I have learned a lot and who broke down a lot of the stereotypes I held about people of their ethnic background. A diversity of perspectives allows me to learn about cultures different from my own, but has also helped me realize that everyone has a lot more in common than one would first think. I have been able to learn a lot academically from other students and have been able to grow as a student because of the diversity I see every day.

9. I want to learn and live alongside students who are each a part of a critical mass of their race/ethnicity. To facilitate that, I would like to see an increase in the number and diversity of underrepresented racial groups admitted to UNC-Chapel Hill. I felt isolated as a Latino in my hometown, and while this campus is far more diverse than where I came from, it never hurts to enroll more diverse and qualified students.

10. I feel very comfortable around the students at UNC-Chapel Hill, but sometimes students can be unfair or insensitive to each other when an issue involving race or ethnicity comes up on campus. For example, I talk to a lot my peers about getting more support for undocumented students. A lot of people do not agree with me that these students have a right to education, and that if they get to UNC-Chapel Hill, they should

pay in-state tuition, especially when they have lived in North Carolina most of their lives. A lot of students do not understand the struggle that undocumented and Latino students face in attaining education. Some of my peers can be very stubborn when it comes to these issues. I have also overheard students make mean comments toward fellow peers who protest campus policies that they believe to be racially insensitive. I would like students to listen to each other and learn from each other when it comes to issues of race and ethnicity. Putting everyone together brings the best out in everyone.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 23rd day of June, 2015.

Luis Acosta

Luis Acosta

EXHIBIT

3

**UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF NORTH CAROLINA**

STUDENTS FOR FAIR ADMISSIONS,
INC,

Plaintiff,

v.

THE UNIVERSITY OF NORTH
CAROLINA AT CHAPEL HILL, et al.,

Defendants.

Civil Action No. 1:14-cv-954-LCB-JLW

DECLARATION OF CECILIA POLANCO

Cecilia Polanco, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Cecilia Polanco, I am over 18 years of age, and I am fully competent to make this declaration.
2. I am a full-time undergraduate student at UNC-Chapel Hill. I am a rising senior and am pursuing a major in Global Studies, with a focus on Health and Environment and Latin America.
3. I am Hispanic.
4. UNC-Chapel Hill was my dream school and my number-one choice when I was applying to colleges. When I received UNC's Morehead Cain Scholarship I withdrew my applications to other schools, even though I was on the wait list at higher ranked schools. I then received the Global Gap Year Fellowship, which allowed me to

take a year before college to travel the world and volunteer. By choosing UNC-Chapel Hill, I was being paid to go to school and being paid for volunteer experiences. Carolina was creating opportunities I wouldn't find anywhere else even before I set foot on campus.

5. I believe my background enables me to offer unique perspectives and cultural experiences in my academic and campus activities. I came to UNC-Chapel Hill with the perspective of someone who doesn't receive much financial help from my parents. I am often surrounded by peers who had many more opportunities than I had. I applied for scholarships because of need, and while I was lucky enough to receive a merit scholarship, for many of my peers paying for college wouldn't have been an issue. Though I came from a racially diverse high school, I was still one of the only Latina students in attendance in higher-level courses, and one of few students of color who took AP classes. Two minority students from my high school went to UNC Chapel-Hill, and less than a handful attended other top-tier universities. I grew up very conscious of race, how my appearance categorizes me, and what assumptions people have about me. What UNC students don't all have in common is a constant consciousness of their identity. It is important to me that I can express that perspective at UNC.

6. I believe the benefits of racial or ethnic diversity play an important role in a number of academic and campus activities that affect my undergraduate experience, including lectures, seminars, residential life, student government, communities of faith, extracurricular activities and community service programs. In particular, I have been

involved with the Foundation for Sustainable Development, NOLS Alaska, and the Carolina Hispanic Association, first as Political Action Chair, then as President. I'm also a Senior Advisor for Student Government and a Mentor and Health and Wellness Advisor for the Scholars' Latino Initiative (SLI). SLI is an organization within UNC-Chapel Hill's Center for Global Initiatives that creates three year mentoring partnerships between UNC-Chapel Hill students and high achieving Latino/a students to prepare the high school students for enrollment in a college or university. These activities and positions benefit enormously from racial and ethnic diversity and by the membership of people with different backgrounds.

7. I currently experience academic and personal benefits from UNC-Chapel Hill's racially diverse student body. For example, before attending UNC-Chapel Hill I had gone most of my life without meeting an academically successful Latino male, which may have created stereotypes in my mind of whether there were any. By meeting and working alongside other Latino students, I realized some of the prejudices I had and how I had made unfair assumptions about others. I've also been able to find peers who can relate to the same racial or ethnic hostility I face sometimes. I've learned about what other people have historically gone through and better understand how racism and social injustices have come about.

8. I believe my education would be harmed if UNC-Chapel Hill stopped considering race in its admission decisions. The current policy facilitates the admission of strong Hispanic students, which improves my educational experience by allowing me

to learn alongside a greater number of Hispanic students so that I do not feel singled out as a spokesperson for my race/ethnicity. The policy likewise facilitates the admission of underrepresented minority students with racial or ethnic backgrounds different from my own and from whom I feel I learn both inside and outside the classroom. Having a diverse student body exposes us to people who think, solve problems, and communicate differently – an exposure that makes us more culturally competent and capable of interacting well with people from different backgrounds. If we don't surround ourselves with people who are different from us in an academic setting, when we are faced with people who are different from us outside of the university, we won't know how to cope, and our initial reactions will be fear, distrust, and maybe even hate.

9. I want to learn and live alongside students who are each a part of a critical mass of their race/ethnicity. To facilitate that, I would like to see an increase in the number and diversity of underrepresented racial groups admitted to UNC-Chapel Hill. I'd like for UNC to be representative of North Carolina or even the United States as a whole. I think that an increase in the number of minority students would make it so people couldn't physically ignore our presence. I often feel invisible as a minority student – I felt this most my first year when I walked around campus and barely saw anyone who looked like me. Even given the current admissions policy, it's possible for a UNC student to make it through their four years here without diversifying their friend group or experiences.

10. I'm usually a minority in everything I'm involved with on campus. It often feels like people aren't expecting for me to perform well, or to be insightful and effective. My intelligence, value, and worth are not assumed at UNC and I often feel like I have to prove myself. One of the hardest days at UNC was after I was interviewed for a local news channel about my academic achievements and involvements on campus. Comments were made alleging that I got into UNC-Chapel Hill because I was Latina, received the scholarships because I was Latina, and had no barriers in attending and paying for college. It was sickening, stressful, and brought me to tears. It brought about a lot of self-doubt and emotional distress that made me question my worth and the value of my accomplishments. To attribute my successes to this one identity is to not fully see me as a person. This type of experience is common among students of color, and other underrepresented student populations.

11. I often feel like the UNC administration contributes to negative experiences among students of color by not affirmatively standing in support of underrepresented students. For example, during a campus scandal related to the athletic department, student government encouraged the student body to wear blue in support of athletes. At the same time, many minority students were wearing black and the Black Student Movement was trying to generate awareness and support of the "Black Lives Matter" movement, but neither the student government nor the administration acknowledged this work. We want our administration to stand in support of our experiences as students, and it seems that only some students' experiences are officially recognized. The

administration tries to be politically correct, and I think there is a serious problem with the power and mindsets of the Board of Governors and the Board of Trustees that harms minority students at UNC-Chapel Hill.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 23 day of June, 2015.


Cecilia Polanco

EXHIBIT

4

**UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF NORTH CAROLINA**

STUDENTS FOR FAIR ADMISSIONS,
INC,

Plaintiff,

v.

THE UNIVERSITY OF NORTH
CAROLINA AT CHAPEL HILL, et al.,

Defendants.

Civil Action No. 1:14-cv-954-LCB-JLW

DECLARATION OF ANDREW EDWARD BRENNEN

Andrew Brennen, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Andrew Edward Brennen, I am over 18 years of age, and I am fully competent to make this declaration.

2. I am a full-time undergraduate student at UNC-Chapel Hill (“Carolina”). I am a sophomore and am pursuing a major in Political Science and a minor in Philosophy, Politics, and Economics (PPE).

3. I am African American.

4. There were several factors which contributed to my decision to attend Carolina ranging from my personal academic interests to financial considerations. I applied to over a dozen schools, public and private, throughout the United States. When considering various schools, I focused on three central questions: 1) Does the school

have financial aid which I can qualify for? 2) Does the school have political science opportunities which I can take advantage of to bolster my education outside of the classroom? 3) Does the school feature a diverse student body like those which I have become accustomed to after 13 years in public school?

5. Though not decisive, financial aid was important to me. My family was not poor. However, like many folks in the middle class, they were not in a position to spend hundreds of thousands of dollars on college expenses. I was also averse to taking on massive student loans like both my parents did in order to afford college. Luckily, many colleges and universities offer merit scholarships and because of my high school grades and extracurricular activities I was confident that I could qualify for one. Ultimately, I received several scholarship offers from various universities. They ranged in scope and value but the offer from the Robertson Scholars Program at UNC Chapel Hill was by far the most attractive. But the scholarship alone wasn't enough for me to decide to attend Carolina, I had one other consideration to make.

6. I have always learned best outside the classroom. Whether that meant speech and debate my sophomore year of high school or starting my own education advocacy group my junior year; my most formative educational experiences have occurred in non-traditional settings. When considering UNC, I closely examined what types of opportunities the community provided to get involved outside of classes.

7. There were two things that stuck out. The first was Student Government. UNC has one of the most robust systems of student self-governance in the country. In

the context of much of my high school advocacy being around “student voice,” this was appealing.

8. Second, it was important to me that UNC was a public school, and by extension a diverse community. While gaining a full understanding of what diversity at UNC was like before being on campus was challenging, there were several indicators that presented clues. First, I was impressed by UNC’s robust need-based financial aid. Having studied college access pretty extensively in high school, I deeply understood the effect programs like the Carolina Covenant had on breaking down barriers to entry presented to students from low socio-economic families. But there was also a flip side. The data on the University’s own website seemed to indicate a remarkably low number of African American males were admitted to the University each year. In other words, a remarkably low number of people that looked like me.

9. Taking all of these factors together and weighing them against other options including Yale, Vanderbilt, UVA, and Wake Forest, I decided to attend UNC Chapel Hill. It was impossible for me to know how any of my preconceived notions about the school would play out once I was actually on campus but I was looking forward to the adventure.

10. I believe my background enables me to offer unique perspectives and cultural experiences in my academic and campus activities. My family and I moved five times before I graduated high school. We lived in New York, Virginia, Georgia, Maryland, and Kentucky, all due to my dad’s career. Constantly moving had its positives

and negatives. On the one hand, I was able to constantly enjoy new experiences that most of my peers did not. On the other hand, my “peers” changed constantly and building long-term friendships was difficult. In the places my family spent the most time, we were among the only African Americans in our community.

11. Between the 6 years spent in rural Georgia and the 6 years spent in Kentucky, I am no stranger to the implications of being black in spaces dominated by white people. Sometimes, these implications play out in harmless ways, like how my friends are always taken aback by the prominence of black Santa Clauses in my house during Christmas. Sometimes they play out in more insidious ways, like how I have been accused of “acting white” by my classmates because of my willingness to speak up in class and the ease with which I grasped the material. Both of these examples along with countless others contributed to an early understanding between my two brothers and I that the color of our skin mattered in a way different than it did to our white classmates.

12. My junior year of high school I came out to my family and friends as gay. I was always confused as to why “coming out” was necessary—however living in the south, I was no stranger to the bullying and abuse members of the LGBT community often face. I knew from the beginning that my family and friends would accept me for who I was and that made coming out easy. I was less sure about members of my broader community but that was a challenge I had prepared myself to face. A challenge I was not prepared to face, however, was the number of fellow queer youth who were not as lucky as I was and did not have a supportive family. I’ve had dozens of LGBT kids reach out

looking for guidance, support or sometimes just someone to talk to. I tried to do the best I could but sometimes these conversations were overwhelming. They felt isolated and afraid and unfortunately, they were right to feel that way.

13. I bring all of these experiences and perspectives to Carolina with me. They inform how I answer questions in class, who I choose to hang out with, what types of activities I participate in or don't, what is included in my social life, and how the people around me experience college.

14. I believe the benefits of racial or ethnic diversity play an important role in a number of academic and campus activities that affect my undergraduate experience, including lectures, seminars, residential life, student government, communities of faith, extracurricular activities and community service programs. In particular, I have been involved with Student Government and The Inter-Fraternity Council. These activities benefit enormously from racial and ethnic diversity and by the membership of people with different backgrounds.

15. I currently experience academic and personal benefits from UNC-Chapel Hill's racially diverse student body. As I mentioned above, the diversity of the student body was one of the main factors in my decision to attend the University. My exposure to communities different from my own has led to countless instances of personal growth. For example, after being exposed to the fraternity system firsthand, I better understand the controversy surrounding its historical legacy. After participating in a vigil on campus following the murder of three Muslim students, I better understand the way islamophobia

plays out for members of the Carolina community. And after serving on several University committees focused on sexual assault prevention, I have a better understanding of the factors that play into gender-based sexual violence, especially among women of color. These examples are not exhaustive. But they do provide small insight into the value that being on a diverse campus has had on my college experience thus far.

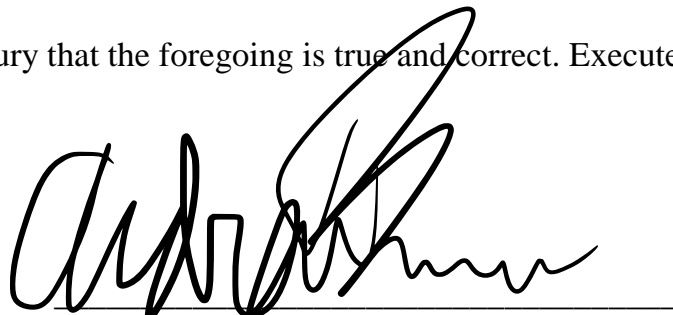
16. I believe my education would be harmed if UNC-Chapel Hill stopped considering race in its admission decisions. The current policy facilitates the admission of strong African American students, which improves my educational experience by allowing me to learn alongside a greater number of African American students so that I do not feel singled out as a spokesperson for my race. The policy likewise facilitates the admission of underrepresented minority students with racial or ethnic backgrounds different from my own and from whom I feel I learn both inside and outside the classroom.

17. I want to learn and live alongside students who are each a part of a critical mass of their race/ethnicity. To facilitate that, I would like to see an increase in the number and diversity of underrepresented racial groups admitted to UNC-Chapel Hill. Often times, I will be among the only African American students in my classes or study groups. On the whole, this doesn't bother me—however, there have been instances where this reality led to uncomfortable encounters. One notable instance is when a student in one of my classes implied that, due to affirmative action, it is hard to know

whether African American students at the University “deserve” to be there. No fewer than six sets of eyes in the classroom turned to me to respond. I was speechless in the moment and felt like I failed to come to the proper defense of my fellow students of color.

18. Racial issues are often a topic of conversation at the University because every issue from my perspective is a racial one. When discussing sexual assault I’m immediately drawn to the disaggregated data by race. When discussing admissions or retention policy, I am immediately drawn to subgroups. When attending parties, I always notice when I am the only one of color. Every issue is a racial issue.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3 day of April, 2017.



Andrew Brennen

EXHIBIT

5

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,)
INC.,)

Plaintiff,)

v.)

UNIVERSITY OF NORTH CAROLINA,)
et al.,)

Defendants,)

and)

LUIS ACOSTA; CHRISTOPHER)

JACKSON on behalf of C.J.; RAMONIA)

JONES on behalf of R.J.; JULIA NIEVES on)

behalf of I.N.; ANGIE & KEVIN MILLS on)

behalf of Q.M.; LAURA ORNELAS;)

CECILIA POLANCO; TAMIKA)

WILLIAMS on behalf of A.J.; and STAR)

WINGATE-BEY,)

Defendant-Intervenors.)

**DECLARATION OF
SIENA SCARBROUGH**

Siena Scarbrough, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Siena Scarbrough, I am over 18 years of age, and I am fully competent to make this declaration.

2. I was a full-time undergraduate student at UNC-Chapel Hill during the period of August 2013 to May 2017. While at UNC, my major was media and journalism, with a focus in public relations.

3. I am African American.

4. I was the first person in my family to attend a four-year college on my mother's side.

5. I chose UNC-Chapel Hill mostly because of its academic reputation and the experience I had when visiting. Cost and diversity of student body were also reasons I chose UNC. Even though I'm an out-of-state student, the tuition here was still significantly less than other schools' I was considering. UNC was better than these schools in terms of ethnic and socio-economic diversity as well. Growing up I moved around quite a bit and had to switch schools multiple times. I attended both non-diverse and diverse schools and learned I much preferred more diverse schools. While having other minority students at my school was not the single most important factor when choosing a school, it was still a significant consideration.

6. One thing I did like about the racial diversity at Carolina was the many different types of minorities here. While it is always great to have other African American students here, who have a similar background to mine, it is also valuable to know minority students who are not Black. It can be eye-opening to see just how similar your experiences in predominantly white communities are. It's also great to learn about the differences between your experiences and cultures and discuss what it's like to be a minority student at Carolina.

7. During my time at Carolina I have definitely experienced negative and uncomfortable situations that occurred as a direct result of my race. I've had a suitemate complain to me that it's impossible to get scholarship money "unless you're a black girl" even

though only scholarship money I had was from community service. On multiple occasions, I've had people ask me what is and what is not appropriation of Black culture just because I was the nearest Black person. One constant issue I dealt with on UNC's campus was balancing having African-American friends and White friends. It was rare for the majority of white students and Black students to hang out together so I had to choose between the two. When I chose to hang out with my white friends other Black students saw me as an "Oreo" and "the token" minority friend. When I choose to hang out with Black friends then I was seen as just another one of "those" Black kids on campus. There was really no way to have any type of friends without being stereotyped and judged.

8. I was usually one of few or the only Black student in my classes but I became used to this in high school. It was a little more uncomfortable in extracurricular activities on campus. For example, I was part of the co-ed honors fraternity Phi Sigma Pi and was one of very few minority students. Whenever there was a conversation focusing on race, myself and the few other minority members would be consulted as if we knew everything there was to know about race relations in America. At one point our chapter had a rather intense discussion over using the word "privilege". Some argued this word makes people uncomfortable. This made it seem like keeping certain members comfortable was more valued than acknowledging the struggles and experiences of underprivileged members.

9. I think when it came to many big racial issues such as police brutality, gerrymandering, voting rights and gentrification, I found support from a lot of UNC students regardless of their race. I've been involved in peaceful protests where participants were from all different types of backgrounds. More specifically, there was also a lot of mutual support between the Latino/a/x, LGBTQ, and Black communities. When it came to smaller issues such as

changing the name of an academic building that was named after a KKK leader or the removal of the confederate Silent Sam statue, there was much more tension between minority students and white students who didn't see the point in making these changes. I will admit, I was not ready to wake up to a sea of confederate flags brought to campus by angry white southerners, protesting any attack on "southern heritage". That instance made me extremely uncomfortable and scared in a way I knew my white friends would not be able to fully understand. This situation and the feeling that came along with it may not have been experienced at another school, outside of the South, with calmer race relations.

When it came to the UNC administration's reaction to the problem, it was clear they wanted to remain pretty neutral and non-controversial. Students received an email saying the university would work harder to be more transparent when dealing with the school's history. Students were invited to join a history task force if they wanted to be more involved. Many emails from the chancellor were focused on creating respectful discourse about race relations at UNC in order to make all students feel equal. This included a series of town hall meetings focusing on race relations and a new exhibit in focusing on the racial history of UNC. Though this support of meaningful conversations was great, there was still no message explicitly denouncing Saunders' or Confederate soldiers' racist actions or reaching out specifically to students of color. There was also a push from students to rename Saunders Hall "Hurston Hall" because Zora Neale Hurston secretly took classes here. But of course, that was probably too liberal, and possibly too Black, for the administration/BOG who chose the name "Carolina Hall" instead.

Overall it seemed like the administration wanted to encourage a peaceful discourse of these issues and ensure transparency when it came to UNC's past. There was a focus on "equality," without addressing how the school's clearly racist history could affect students of color much more than other students.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 10th day of June, 2017.

Sine Scully

EXHIBIT

6

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,)
INC.,)

Plaintiff,)

v.)

UNIVERSITY OF NORTH CAROLINA,)
et al.,)

Defendants,)

and)

LUIS ACOSTA; CHRISTOPHER)
JACKSON on behalf of C.J.; RAMONIA)
JONES on behalf of R.J.; JULIA NIEVES on)
behalf of I.N.; ANGIE & KEVIN MILLS on)
behalf of Q.M.; LAURA ORNELAS;)
CECILIA POLANCO; TAMIKA)
WILLIAMS on behalf of A.J.; and STAR)
WINGATE-BEY)

Defendant-Intervenors.)

DECLARATION OF
HANNA WATSON

Hanna E. Watson, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Hanna E. Watson. I am over 18 years of age, and I am fully competent to make this declaration.
2. I am a full-time undergraduate student at UNC-Chapel Hill. I am in my 1st year and am pursuing a major in Political Science/African, African-American Diaspora Studies.
3. I am African-American.

4. I chose to attend the University of North Carolina first because of its outstanding reputation in my fields of academic interest and second because I was offered a spot in the Robertson Scholars Leadership Program, a full tuition comprehensive scholarship in conjunction with Duke University. I come from an extremely homogeneous white town called Andover, Kansas and I intentionally left the state of Kansas in search of a more diverse experience. I knew that UNC's racial demographics were not a direct reflection of the state of North Carolina but I was excited to learn with hundreds more black people than I had ever been around. The homogeneous nature of my secondary schooling prevented me from the benefits of more diverse options about a wide range of subjects.

5. In September of 2016, shortly after Keith Lamont Scott was killed by police officers, the Carolina community rallied together in protest. I distinctly remember seeing diverse faces taking part in the sit in protests and other demonstrations. Still, most people who care enough to participate were black and I am confident that without a strong black community, the newsworthy protests would not have taken off. Situations of police brutality bring about a collective grief that I do not think I would have been able to bear if I only saw white students around me. The administration's attempts at inclusion while helpful and noticed are not sufficient for creating a comfortable atmosphere in the pursuit of racial injustice.

6. In my POLI 100 class, Intro to American Government, we discussed a few issues involving American ideals, the foundations of the nation, and how certain laws impact different groups today. In my 300 student lecture there were around 30 students of color, maximum, and almost every time the issue of race came up, the class physically looked to one of us for answers. The problem was even more evident in my recitation of the same course in which I was one of two students of color in the 20 person class. Especially in discussions about the presidential

election of 2016, the class often glossed over my opinions as the rantings of an angry black woman who, 150 years later, had not gotten over slavery. I was often uncomfortable in that class, and I feel that my uncomfortability could have been eased by the presence of more diverse perspectives.

7. I am a member of Cadence All-Female A Cappella, and quite often, I feel as if I am the token black person in the a cappella community. Students of color typically follow the unspoken rule to be a part of either the all-black or all-south Asian a cappella groups. While it's important that these two communities are represented in the space, it's problematic that such surprise and taboo surrounds being a part of any of the majority white groups. I also found it interesting that even my introduction to Africa course is majority white. In that setting my opinions are still sometimes seen as the ranting of an angry black woman rather than a complete person with many emotions, thoughts and motivations for holding in disdain many of the systems discussed in that class, such as colonialism.

8. I feel that the UNC Administration generally sweeps racial issues under the rug. In particular, there was little action taken by the UNC administration in light of the Fall 2016 protests on campus. When two black marching band members refused to play the national anthem at football games, following suit of Colin Kaepernick and the hundreds of students who chose not to stand, the Administration requested that the two not come on the field, rather than honoring their protest. During this time of unrest, the university officials did a decent job of allowing open forums for grief to take place but there was little action taken other than allowing black students to congregate as long as they facilitated the meetings themselves. In general, the black community at UNC seems largely separated from the white community. Although we share common spaces and generally get along. There is a lot of de facto segregation outside of

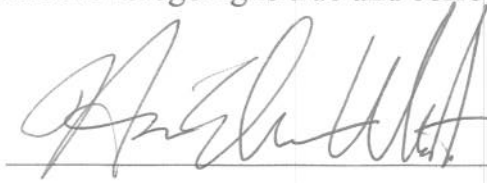
the classroom. In mixed spaces I and other students of color often suffer from acts of microaggression. At UNC-CH, white students don't have to understand the struggles of the minority experience, while minority students constantly have to assimilate, at least to some degree.

[This Section Intentionally Left Blank]

//

//

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 4th day of May, 2017.

A handwritten signature in black ink, appearing to read 'Hanna Watson', is written over a horizontal line.

Hanna Watson

EXHIBIT

7

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA,
et al.,

Defendants,

and

LUIS ACOSTA; CHRISTOPHER
JACKSON on behalf of C.J.; RAMONIA
JONES on behalf of R.J.; JULIA NIEVES on
behalf of I.N.; ANGIE & KEVIN MILLS on
behalf of Q.M.; LAURA ORNELAS;
CECILIA POLANCO; TAMIKA
WILLIAMS on behalf of A.J.; and STAR
WINGATE-BEY

Defendant-Intervenors.

DECLARATION OF

D'ANGELO GATEWOOD

D'Angelo Gatewood, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is D'Angelo Gatewood, I am over 18 years of age, and I am fully competent to make this declaration.
2. I am a full-time undergraduate student at UNC-Chapel Hill. I am a rising Senior and am pursuing a major in Public Relations and a minor in Education.
3. I am African American.

4. I applied to over a dozen schools and managed to narrow things down to UNC-Chapel Hill, North Carolina Central University, and NC State. I took a tour at each of the institutions and the tour at UNC-Chapel Hill left me feeling a sense of belonging. At that moment, diversity was not really a matter of concern for me. I simply wanted a place that I felt would be good for me socially.

5. Being at Carolina helped me understand the vastness there is when it comes to racial or ethnic identification. For instance, the term African-American is overly broad and culturally exclusive. Caribbean-American, Congolese-American, and Haitian-American would all be considered African-American. The problem is that it is not holistic. The experience of someone who was born in an African country is different than someone whose heritage traces back centuries here in the newly colonized America. If we go by the definitions of what those hyphenated identities mean, it is a misnomer for most, hence why I prefer being addressed as a black American. This realization about cultural identification was foreign to me before coming to UNC-Chapel Hill. This university has given me a cultural awakening thanks to the presence of students of color who dare to claim their right of self-identification.

6. I like the existing racial and ethnic diversity of the campus, along with its variety of different cultures. Before coming to UNC-Chapel Hill, I did not have much experience with talking to others outside of my racial group other than white students. However, Chapel Hill has been great because I get to learn about people of other cultures and their experiences. Having more black students provides me with a sense of comfort, but having more students of color in general has expanded my mind. For instance, I had never met someone of Native American descent until coming to Chapel Hill. I have befriended several Native American students and have learned about their culture and the issues that they face as a community. As a black male,

the injustices that Native Americans have endured were not surprising to me, but I still benefited from learning about their history and culture. Carolina needs to have more students of color to disrupt the veil of ignorance that clouds the minds of some my white peers.

7. As a black student, a feeling of isolation, especially in the academic setting, is almost guaranteed at UNC-Chapel Hill. This isolation, compounded by being male, is a recipe for feeling out of place. The sad reality is that this is something to which I have had to adapt. While I have managed to adapt to this new terrain, the transition was difficult at first. My first three (3) weeks here were rough. I was away from home for the first time, I didn't know that much about UNC-Chapel Hill, and I was adjusting to the culture shock of being around so many white people. In retrospect, if I hadn't managed to befriend people in my residence hall, I could have easily become another dropout. I was overwhelmed by the idea of college itself and then not seeing anyone who looked like me. It was very unsettling.

8. That was just some of the internal stress that I was feeling here at UNC Chapel Hill when I first arrived. Then there is the social dynamics of being a student of color. One instance that sticks out clearly to me is a semester-long group project during the second semester of my junior year. I was the only student of color, and I have never felt more excluded and isolated in my entire life. I am a very social and talkative individual. I love talking and socializing with others, but the climate in this group reduced me to simply sitting there in silence. The other four group members were always talking to each other, discussing which classes they were going to take together and living together throughout the summer. They often spent time outside the class together. What about me? I was there wanting to feel included, but refusing to force people to interact with me if they don't want to. If it had been one assignment and then we were to not to work with each other afterwards, it would have been fine. However, the fact that

this project was over the course of a semester was just toxic to me. I was really confused as to why I felt so excluded. I want to point out that I hate using the “race card.” Before coming to UNC-Chapel Hill, I genuinely believed that these instances of people excluding others because of race were just stories from some people overreacting. However, my foolish mindset was given a rude awakening. For the first time, I realized that my personality and character can’t conceal my race and others’ attitudes towards it.

9. I feel underrepresented as an African American male student at UNC Chapel Hill every day. As a student in the UNC School of Media and Journalism, that feeling is magnified significantly.

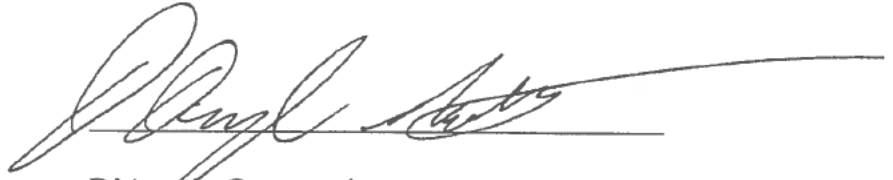
10. Racial issues are among the topics that are typically avoided at UNC Chapel Hill. Both students of color and their white peers would rather not have these discussions. However, the student body as a whole seems to lack racial sensitivity. As a result, students of color typically are forced to be the one to address the racial elephant in the room. While this is sometimes necessary, it immediately vilifies the student of color for introducing race into any discussion. “Why did they have to go there?” My white peers then become silent or responded in an aggressive manner. Addressing the racial biases that are integrated in our nation’s judicial and legislative structures is traditionally met with some white students sitting there passively and others feeling as if they were singled out for blame, which is not the case.

11. There are definitely individuals on campus who show a respect for cultural differences. I took “COMM 318: Cultural Diversity,” and my instructor’s genuine concern for the cultural and racial struggles of students of differing races and ethnicities, caught me off guard. I was uncertain that the instructor, as a white female, would be able to teach me about the struggles I faced as a black male, but I was proven completely wrong. For instance, the whole

concept of mass incarceration, including its financial and legislative foundations, was something I had never even heard about. However, I was being taught about the systematic injustices that were hurting the stability of my race by this white woman.

12. The UNC-Chapel Hill administration's handling of these race related issues sometimes is like providing a Band-Aid to an amputee victim. They send emails, which go to students' clutter folder and are easily overlooked and/or ignored, which do not solve the problem. However, I'm a public relations major. With that perspective, I understand the need to say something, but not to alienate others. It's the politics of education. Schools need money and you can't go off doing things that would displease donors.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 2nd day of June, 2017.

A handwritten signature in black ink, appearing to read "D'Angelo Gatewood", written over a horizontal line.

D'Angelo Gatewood

EXHIBIT

8

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA,
et al.,

Defendants,

and

LUIS ACOSTA; CHRISTOPHER
JACKSON on behalf of C.J.; RAMONIA
JONES on behalf of R.J.; JULIA NIEVES on
behalf of I.N.; ANGIE & KEVIN MILLS on
behalf of Q.M.; LAURA ORNELAS;
CECILIA POLANCO; TAMIKA
WILLIAMS on behalf of A.J.; and STAR
WINGATE-BEY,

Defendant-Intervenors.

**DECLARATION OF
LISA-ANNE STATON DYER**

Lisa-Anne Staton Dyer, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Lisa-Anne Staton Dyer, I am over 18 years of age, and I am fully competent to make this declaration.

2. I was a full-time undergraduate student at UNC-Chapel Hill during the period of 1979-1983. While at UNC, my major was English and I had a minor in Communications.

3. I am African-American.

4. My older brother attended Carolina. I was actually a huge NC State fan and NC State was my first choice for college. That changed during a visit in the summer prior to my brother's freshman year, when I saw Phil Ford and Walter Davis walking near Memorial Hall and they actually smiled and waved at me when I rolled down the window and screamed hello to them. The magic that permeates the air in Chapel Hill, especially on campus, entered me that day and I feel it anew every single time I return.

5. I was recruited to the track and field team at Carolina and am proud to say that I went on to become the university's first female All-American in the sport. Had I not been an athlete, Carolina would still have been my first choice and the right one, because it offered everything I was looking for: academic excellence, in-state but not too close to home, progressive gem in a Southern, Bible-belt state, stellar reputation in academics, athletics and leadership, and an electric student body. Sonia Stone was my AFAM 40 professor, so I had the pleasure of meeting and studying with a scholar who became a campus icon. I also took a couple of English classes with the late Dr. Blyden Jackson, who routinely recited epic poems from memory and bemoaned that "...there are no more scholars," which made me work harder to try to impress him. Though I never took one of his classes, Dr. Lee Green was legendary in the English department. I

mention the three of them because I had no idea I would have the pleasure to study with such amazing African-American faculty.

6. I felt that as an African-American student at Carolina, I had a community that was almost like an HBCU within the larger university. We staunchly supported each other academically, socially and spiritually. I loved the beauty of the campus and town, being surrounded by brilliant peers and faculty, learning about and coming to love soccer and lacrosse, which I'd had zero exposure to in my hometown of Salisbury, NC, and the many hours training and competing with my teammates. During those days, the men's basketball team still practiced and played in Carmichael, and as a result, I got to see Coach Smith nearly every day during their pre- and post-seasons. I had a couple of very enlightening conversations with a grad student-coach named Roy Williams, too. Many of the friendships I formed at Carolina are still going strong; I truly have a Carolina Family.

7. A negative experience I remember turned out to be a positive. A white male student said something to Dr. Sonia Stone that basically questioned her legitimacy as an academic. After class adjourned, an African-American upperclassman, Teresa Smallwood (who is now a judge), took him to task and detailed why what he said was disrespectful, racist and sexist. He dissolved into tears and apologized to both Dr. Stone and Teresa. That was a powerful moment.

8. I never felt like a “token” minority, neither in general nor in particular. I realize, though, that my experience may have been unique.

9. Other than the handful of frat boys who displayed confederate flags, my experience was that the white students at the time were very open and progressive in their thinking and interactions. A time I got to see how many of them stood in solidarity with us was when we marched to support Dr. Stone’s appeal for tenure, and in the aftermath of members of the KKK killing several African-Americans in a protest clash in Greensboro in 1979.

10. When I visit the UNC Chapel Hill campus now, I see more diverse groups of kids hanging out together socially than I remember from when I was a student, which is a beautiful thing.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 30 day of June, 2017.

Lisa S. Ayer

EXHIBIT

9

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA,
et al.,

Defendants,

and

LUIS ACOSTA; CHRISTOPHER
JACKSON on behalf of C.J.; RAMONIA
JONES on behalf of R.J.; JULIA NIEVES on
behalf of I.N.; ANGIE & KEVIN MILLS on
behalf of Q.M.; LAURA ORNELAS;
CECILIA POLANCO; TAMIKA
WILLIAMS on behalf of A.J.; and STAR
WINGATE-BEY,

Defendant-Intervenors.

**DECLARATION OF
KENNETH WARD**

Kenneth Ward, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Kenneth Ward, I am over 18 years of age, and I am fully
competent to make this declaration.

2. I was a full-time undergraduate student at UNC-Chapel Hill during the period of August 1980 – May 1984. While at UNC, my major was Radio, Television and Motion Pictures.

3. I am African-American.

4. I was the first person in my family to attend a four year college.

5. I chose to attend the University of North Carolina at Chapel Hill, as I thought that it would offer me the most rigorous education available at an in-state public college. As class valedictorian, I was looking for a college that would be demanding academically but also supportive. As a first-generation college student, I also wanted to make sure that I was not too far from home. I was also impressed with the students of color when I visited. Additionally, I was offered a full academic scholarship, the Pogue Scholarship, to attend UNC.

6. My first official visit to UNC allowed me to meet several Pogue scholars that were already enrolled. Amongst these were Teresa Artis, Michelle Shiver and Matthew Witted. I was instantly sold on the university as they were each highly intelligent and we immediately bonded. Throughout my time at UNC, they remained friends and supported me throughout my journey. They also helped with the adjustment period, which was critical to me feeling at home at UNC. The fact that we all lived on south campus also allowed us to frequently see each other and fellowship and build deeper relationships. During my sophomore year, I also pledged a fraternity, Kappa Alpha Psi, and this has perhaps been one of the greatest influences in my life trajectory.

The brotherhood that was established has been critical in my personal and professional life. This level of caring and commitment is often missing between black men and our time at UNC created and nurtured these lifelong ties. The friends that I made at UNC are still an essential part of my life and are like family. We celebrate births, graduations and offer support during life's trials and tribulations. Hundreds of us return annually for the Black Alumni Reunion (BAR) during homecoming to recharge and reconnect and most importantly to celebrate our contributions to our alma mater. A few years ago during BAR, I received the Harvey Beech Award for the work that UNC empowered me to do in my local community. This year, I was recognized by UNC, the Diversity and Multicultural Affairs, and the University Diversity Awards Committee, as the alumni category recipient of the 2017 University Diversity Award for this work.

7. One of the too often experiences at UNC was whenever there were conversations about race in the classroom, I was looked at by my white classmates as the spokesperson for all black people. It was also a bit tiring, trying to help my white counterparts understand the supports that students of color need and why there was a Black Student Movement and the purpose that it served in this environment. I remember the ad in the Daily Tarheel about a supposed KKK rally in the Pit and students of all races showing up to counter it – and perhaps our outrage led to them backing out and not showing up. I remember walking with a few friends to Franklin Street (ironically, we were by the confederate statute- Silent Sam) and a white student on a bike road past and yelled “get out of my way niggers.” Perhaps the most traumatic of all experiences was

when I became the first African-American Mic-Man for the football games. The disrespect and harassment that I received from white students and faculty was life-changing and left an indelible stain on me.

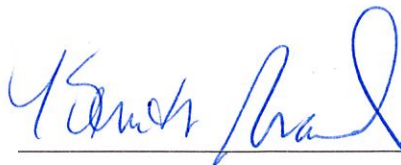
8. I recall in several classes being the only or one of two African-American students and often feeling like I was either left out or singled out by the instructor. I also recall being in classes taught by African-American professors and they were disrespected by some of the white students in ways that I had never seen in any other classes. This was such an issue in one class that Dr. Hawkins had to stop the lecture to address the fact that the students were questioning his subject mastery because of their refusal to accept truths that they had not been exposed to in high school and that were hard for them to accept.

9. During my time at UNC, I found that the staff of color were very understanding of the situation that students of color faced at UNC and held us to high standards. For the most part, they were incredibly supportive and demonstrated what academic excellence looked like during each interaction with them. Their knowledge of me as a person and the level of accountability were huge factors in me not giving up on this great opportunity.

Ironically, even with my recent Alumni Diversity Award, I am saddened because it seems that the supports that I took for granted as an undergrad do not currently seem to be as robust for the current students of color. Additionally, the number of African

American males matriculating at UNC remains abysmally low and would be even lower if the athletes were not included in this number.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 30 day of May, 2017.

A handwritten signature in blue ink, appearing to read "Kenneth Ward", is written over a horizontal line.

Kenneth Ward

EXHIBIT

10

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,)
INC.,)
)
Plaintiff,)
)
v.)
)
UNIVERSITY OF NORTH CAROLINA,)
et al.,)
)
Defendants,)
)
and)
)
LUIS ACOSTA; ANDREW BRENNAN,)
CHRISTOPHER JACKSON on behalf of)
C.J.; RAMONIA JONES on behalf of R.J.;)
JULIA NIEVES on behalf of I.N.; ANGIE &)
KEVIN MILLS on behalf of Q.M.; LAURA)
ORNELAS; CECILIA POLANCO;)
TAMIKA WILLIAMS on behalf of A.J.;)
and STAR WINGATEBEY)
)
)
Defendant-Intervenors.)
)

DECLARATION OF JESSICA MENCIA

Jessica Mencia, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Jessica Mencia, I am over 18 years of age, and I am fully competent to make this declaration.

2. I am a full-time undergraduate student at UNC-Chapel Hill. I am in a rising junior and am pursuing a major in Public Policy and a minor in Latino/Latina Studies.

3. I am a Latina, specifically Honduran American.

4. I am a first generation college student, and I come from a lower-income family. I am from North Carolina.

5. I chose UNC-CH because of the breadth of opportunities available here: research, outreach, and programs I didn't see at other public universities. Out of all the public universities in NC, I thought UNC-CH the environment was the one in which I would best be able to grow as a person.

6. I think that as a Policy major, my professors were more aware and attuned to the needs of students from diverse backgrounds, and that has been a great support for me. I don't believe that's the case in all the majors however. I also have been very happy to be a part of the Latinx community here at UNC. I'm from a very rural area, and I don't think I was able to be who I truly was until I joined that community. A class I took on Latinx identity influenced me greatly as well. I now feel like I have more control over my identity and how I choose to present who I am. I belong to the Carolina Hispanic Association and NC Sli mentor program, as well as Students United for Immigrant Equality.

7. For the Latinx community in particular, I think that issues of diversity are particularly complex. On campus, there are many centers for many different student groups, affinity groups, and others. There is not a center for the Latinx community. The

Estamos Aquí UNC movement really united the Latinx community to advocate for itself and for the creation of such a center. The movement is ongoing. Although within the Latinx community there are people from many countries and backgrounds, in advocating for this center, the different Latinx groups really came together. Because there are very few Latinx students at UNC, we have had to find unity across the Latinx spectrum and not maintain some of the divisions among countries and regions as older generations often maintain.

8. As a student of color at UNC, I know there are some students who question whether I deserve to be here. At one campus event, I remember a white student talking about how he had high SAT scores and GPA but he didn't get scholarships because of students of color being admitted into the school over him. The implication was that students of color who were inferior to him had gotten that financial assistance instead. The reality is that at an elite school like UNC, most of us had really good test scores and grades in high school. While I think that education should be affordable across the board, blaming the issues of white students on people of color insinuates that students of color are undeserving of admissions to top tier universities. I think the mistaken view about students of color being unqualified is widespread among white students even if some people don't talk about it in public. I did not feel welcomed or cherished by the UNC community in that moment, I felt more like I was a scapegoat for the white students to project their emotions onto.

9. In a Women's Studies class I took, I was one of three women of color. Luckily,

my professor and fellow class members didn't expect me to speak for all women of color, but the three of us did bring a perspective to that class that would have been completely missing without us. For my friends in STEM and other fields, I think they often feel they are the only person of color and the environment is not as respectful or welcoming. I remember one friend in Political Science whose professor used the term "illegals" to refer to some immigrants. She thought that was very inappropriate and was upset by it, but when asked why she didn't speak up or correct her professor, she said that she just felt too outnumbered.

10. I understand that the administration struggles with how to address issues of race on campus. I know we are a public university and I believe that constrains us due to funding. But first, in terms of the Latinx community, which is very small but will be growing, I don't think the administration knows what to do with us in terms of providing support and a space. There are only a very few professors who are Latinx. More importantly, there is only one administrative person who is Latinx, and he seems to do all the work related to Latinx issues on campus. He's wonderful, and I don't think it's intentional to have one overworked community member doing all the work with the Latinx community, but that's what's happened. I think the administration needs to have more staff and more resources for the many Latinx focused initiatives, especially when it comes to mental health and being present for students emotionally.

11. Second, the narrative around Silent Sam and Saunders Hall at UNC has been lacking. On Facebook and online forums, the main theme I see is that students of

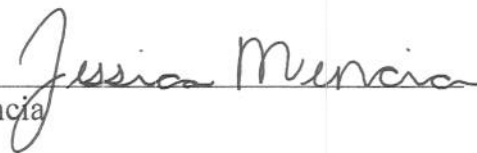
color who are upset are overreacting over something that is purely historical. I think this argument is particularly weak because if we, as students of color, are expressing our discomfort with the building, then other students should not attempt to challenge our identities, experiences, and emotions. The change of name for what was formerly Saunders Hall was accompanied by a moratorium on name changes. I sometimes think the administration feels it doesn't have to respond in a systematic or complete way to the concerns of students of color because it knows we are leaving in a set amount of time. They can just wait us out, which is usually what happens when it comes to students who attempt to challenge the university.

12. During my time as a first-year student of color at UNC-CH, it was hard because it is a new and unfamiliar space. I was one of two people from my high school to attend UNC-CH. I had to navigate the experience on my own and had no group to look to for support. Because of my major, I was able to find my own support, but in a large major like Biology, I think students of color find it much harder or are unable to find the support they need. I was very fortunate to find my major and professors who could help and support new students of color. Navigating these systems is almost like a game, you have to figure out what offices and/or professors will be the most understanding to you and your family's socioeconomic status.

13. One good resource for students of color is Carolina Covenant, a program which exists to support low-income students. Because a lot of students of color are low-income, this program serves many of us. I think it is one of our strongest assets at UNC.

The office really understands the particularized issues and challenges facing students from low-income families. But I know my friends have had experiences in the general financial assistance office where the office did not understand the realities and financial situations that are tied to being low-income. This knowledge shouldn't be kept in a silo. I feel that while Carolina Covenant does an excellent job, all of the staff within UNC offices should understand and be able to assist students from all socioeconomic backgrounds, not just the Covenant office.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 24th day of May, 2017.



Jessica Mencia

EXHIBIT

11

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA,
et al.,

Defendants,

And

ANDREW BRENNEN; LUIS ACOSTA;
CHRISTOPHER JACKSON on behalf of
C.J.; RAMONIA JONES on behalf of R.J.;
JULIA NIEVES on behalf of I.N.; ANGIE &
KEVIN MILLS on behalf of Q.M.; LAURA
ORNELAS; CECILIA POLANCO;
TAMIKA WILLIAMS on behalf of A.J.;
and STAR WINGATE-BEY,

Defendant-Intervenors.

**DECLARATION OF
PATSY B. ZEIGLER**

Patsy B. Zeigler, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Patsy B. Zeigler, I am over 18 years of age, and I am fully competent to make this declaration.

2. I was a full-time undergraduate student at UNC-Chapel Hill during the period of 1979 - 1983. While at UNC, my major was Industrial Relations and I had a concentration in Sociology. I obtained an MBA from Pfeiffer University in 2000.

3. I am an American of African Descent.
4. My mother attended a four year college. My father was deceased; he had been an entrepreneur. I graduated Valedictorian from high school and was awarded a full scholarship to UNC from the NC Veterans Association.
5. I attended North Carolina's Governor's School – East and many of my GSE's friends were Carolina bound, and yes, they were African Americans. The University of North Carolina – Chapel Hill is the only school to which I applied. For me it was Carolina or bust. Factors that fueled my desire to be a Tar Heel included the academic reputation of the university, the highly intelligent and gifted friends I made at GSE who would also attend, the idea of attending NC's flag ship school, my mother's insistence that I remain in North Carolina for my college experience, plus the push by my teachers and counselor for me to attend UNC.
6. Upon entering UNC, the minority students arrived early and participated in a Pre-O (orientation) program. This program was designed to bring incoming freshmen together to get acquainted and to bond while getting acclimated to the campus. Pre-O showed us that we were not alone and that we brought diversity to campus though it would be much different once the general student body arrived, as the minority representation would be miniscule in the larger scheme and our numbers would diminish greatly.
7. Upper classmen were our Orientation Counselors and they, more than anything else, gave us inspiration and proved that we belonged and could survive as minority students breaking barriers at UNC. The mission was to introduce us to programs and services that would be helpful to successfully navigating student life. Pre-O was an extraordinary experience and I made many life-long friends who helped to guide me and encourage me along the way. I returned in my sophomore year as a Pre-O Counselor because I knew the value of the program and I wanted to do my part to continue the tradition of welcoming minority freshmen and helping them get a solid start at UNC.
8. The friendships I made with other Carolina students have continued after graduation and many professional relationships have developed and fostered over the years. My primary care physician, gynecologist, optometrist, dentist, realtor, attorney and many of my other professional resources are Tar Heels, many are African American, but not all. The networking circles are tremendous. I learned early in my working career that being a UNC alumnus would prove to be valuable and highly respected. Programs like Pre O were not the only special programs the university offered. I also became aware of UNC's other targeted programs through the Community College system and the Honors College among others to help develop young minds.

9. Although it has been more than three decades since I graduated, there are a few memories that are embedded and I will share a couple here. I took French for my foreign language. The professor was a young professional who was married with a toddler. One day the professor asked me to stay after class. She asked me to be a babysitter for her daughter. I was the only African American female student in this class. I was struggling in French and I thought that if I did not babysit for her that my grade would suffer and I could possibly be penalized. Unaware of my rights and lacking in confidence I did not believe that I had an option. My professor paid me for my time but it was odd that she saw me as a domestic.

10. My second recollection also concerns me being treated as a domestic, this time by my white peers on campus. The dormitory I lived in was Cobb, on north campus. Cobb housed 400 girls out of which less than 10 were African American. There was a laundry room in the basement. The white girls who barely spoke to me on campus, would often ask me for help to do their laundry or would outright ask me to do that chore for them. I remember being told that their maid did their laundry while growing up and that the only Black people they knew personally were their maids. Naturally they saw me easily fitting into that role and it did not matter that I too was a student.

11. Diversity was essential not only for the African American students while I attended Carolina but also for the general student population. My being a student allowed many others to seek me out to be the answerer of their many questions regarding race. Many were curious and some even found the behavior of others crude and disrespectful. Living in Cobb taught me how to interact and thrive with the white co-eds and other students as well. These lessons have proved to be valuable in the workplace throughout the years not only for me but for us all.

12. Given our very small numbers at UNC, I felt very underrepresented as a student of color in the general college classes and also in the classes for my major. A particular example occurred in my junior year. I was ill at the beginning of the spring semester and had to miss a few classes. I remember feeling stressed wondering who I would be able to get notes from when finally healthy enough to attend class. There was only one other African American student in the class besides myself. I did not know him at the time, yet he was most helpful with providing notes and tutoring me to bring me up to speed. We remain friends to this day. This was a third year level Economics class. Having that one other African American student in my class was essential to my survival.

13. The racial climate was tense when I attended UNC. In order for the minority students to survive the experience and graduate, we had to rely on each other. We took advantage of the Black Student Movement and created or participated in many

organizations and groups that were geared towards the minority population within the larger setting.

14. Those who attended during my years are forever thankful to Dean Hayden Renwick for the recruiting of minority students and for the programs he administered to ensure our success. His door was always open to discuss classes, majors, schedules, internships and more. There were student advisors and tutoring. His office and staff also organized the Pre O program that I referenced earlier. It was beneficial to have Dean Renwick because for me, I did not trust that others in the administration were there to offer support on my behalf. In fact, it was my belief that they were not in full support of minorities attending UNC and would use any weakness I had as proof that I did not belong.

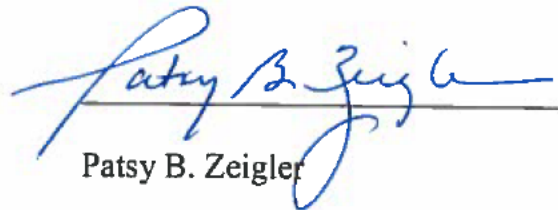
15. As history has shown, minorities have a way of creating their own survival methods. The minority community in Chapel Hill always showed support to the minorities students by welcoming us in their businesses and also at their churches.

16. I am a life member of the UNC General Alumni Association (GAA) and I return to campus for the annual Black Alumni Reunion (BAR). BAR is an opportunity to reunite with many who attended UNC with me as well as others who attended through the years. It is especially wonderful to meet the alums from the 60s and 70s who faced so much adversity at the university. We get to honor them and encourage more of the recent graduates to stay involved with the university.

17. Let me also share that both my daughters are also graduates of UNC. Undoubtedly I worked diligently with both as they applied, matriculated and became graduates in 2014 and 2016. They both had several options for college having been accepted into top colleges and universities around the country. They ultimately chose Carolina for its academic and athletic reputations as well as UNC being the best value.

18. Granted, attending the University of North Carolina is an honor and a privilege. Getting in is not easy, nor is graduating. Representation of all the state's population among the student body should be a given. UNC is meant to be the university of the people. It is therefore incredible and disheartening that the acceptance rate of minority students at UNC has not substantially improved since my tenure. In fact, it seems that there are less black male students at UNC today than when I attended back in 1979-83. If true, that should be considered a terrible step backwards.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 30th day of May, 2017.



Patsy B. Zeigler

EXHIBIT

12

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA,
et al.,

Defendants,

and

LUIS ACOSTA; CHRISTOPHER
JACKSON on behalf of C.J.; RAMONIA
JONES on behalf of R.J.; JULIA NIEVES on
behalf of I.N.; ANGIE & KEVIN MILLS on
behalf of Q.M.; LAURA ORNELAS;
CECILIA POLANCO; TAMIKA
WILLIAMS on behalf of A.J.; and STAR
WINGATE-BEY

Defendant-Intervenors.

**DECLARATION OF
GWENEVERE CHARLENE PARKER**

Gwenevere Charlene Parker, M.D., pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Gwenevere Charlene Parker, M.D., I am over 18 years of age, and I am fully competent to make this declaration.
2. I was a full-time undergraduate student at UNC-Chapel Hill during the period of August, 1979 - July, 1983. I graduated with a Bachelor of Science in Biology. I returned in August, 1991 to attend the UNC School of Medicine, graduating in May, 1995. I stayed for residency at UNC Hospitals, completing my residency in Anesthesiology in June, 1999.
3. I am a native of North Carolina. Both of my parents are natives of North Carolina and descendants of enslaved people.

4. Both of my parents were college graduates and were professionally employed.

5. I rejected scholarships from other notable colleges and universities to attend UNC-Chapel Hill with only parental support. The public schools of North Carolina had only been effectively desegregated for about seven years in 1979 and choosing to attend a major university seeking to actively diversify its student body was a major decision for me and my family. However, with the support of family, teachers and a revered guidance counselor, along with programs that introduced to me to other minority students attendees, I made UNC-Chapel Hill my choice.

6. UNC-Chapel Hill is a major undertaking for any student regardless of background because of its size and scope. But, because of the support and guidance of the minority affairs office and Dean Hayden B. Renwick, I felt that UNC was the right school for me.

7. My experience at UNC was so surreal that I spent most of my four years focused on my studies. It was only natural that my presence did present a challenge to some students but if UNC is to be a microcosm of our future life experiences then what better time or place to explore our interactions with each other as equals?

8. I was the only black student in Kenan Dormitory my sophomore and junior years of school. Because Kenan Dorm was in the most segregated part of campus I was very isolated. Nevertheless, I was able to establish cordial friendships with other girls in the dorm and remain connected to other minority students.

9. There were racial issues amongst students while I was an undergraduate student at UNC, mostly stemming from curiosity and ignorance and yes sometimes, meanness. But being at UNC gave me an opportunity to address the issues and to develop a level of respect upon which I would treat other students and expect to be treated in kind by them.

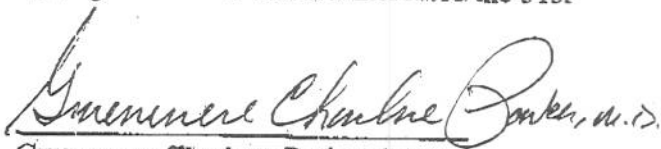
10. At my first freshman mixer I was told by a white student that my family was probably owned by his relatives, which I thought was ridiculous since the plantation owner left almost 1000 acres to my grandfather's grandfather because he and his wife had no children. On another occasion during my sophomore year, my roommate said to me that when my brother visited that he was so quiet that he was almost "nigger" quiet. I merely looked at her as if she were completely ridiculous. Giving her pause after her comment, she said "Gwen, you are a really good roommate. " The various interactions I had with my white schoolmates gave us all an opportunity to pause and consider how we viewed one another and treated one another. I would not trade that for anything.

11. After graduation, it took several years before I chose to return to UNC-Chapel Hill. Attending the UNC Black Alumni Reunion (BAR) was healing and enlightening. Carolina was a tough school academically, socially, and emotionally. I did not have the connection to college that other students had until the BAR. To meet minority students from the 60s and 70s and to hear their stories of struggle and survival was awe-inspiring and pride-inducing. It solidified that my choice to attend and ultimately graduate from UNC Chapel Hill was the correct one.

12. During my tenure on the UNC Board of Visitors I was proud to see that UNC-Chapel Hill continues to provide opportunities to students of varied backgrounds of socio-economic experience. The program that encourages community college students to continue and complete their education at UNC-Chapel Hill with a four year degree was tremendous. People from all walks of life had the opportunity of the Carolina experience and they used it to their full advantage. UNC-Chapel Hill is university for all, not just the gifted or economically advantaged. It is a degree to be cherished. I know. I have two of them.

13. Being admitted to UNC- Chapel Hill is an honor and a privilege indeed. My experiences at Carolina have helped me understand that to be a person of color in this life is to justify your presence in life, at your school and even in your profession. But, I did not attend Carolina to learn how to function in a society of the majority. I went because I knew others who were attending and because it is an awesome school. Racial incidents are a part of normal life for a person of color. Carolina did not teach me how to deal with that. I learned that at home. My presence at Carolina did give others an opportunity to learn how they would deal with it.

I declare under penalty of perjury that the foregoing is true and correct. Executed the 31st day of May, 2017.


Gwenevere Charlene Parker, M.D.

EXHIBIT

13

Expert Report of Dr. David Cecelski

Students for Fair Admission, Inc. v. University of North Carolina, et al., Case No. 1:14-cv-00954-LCB-JLW (M.D.N.C.)

I. Background and Qualifications

My name is Dr. David S. Cecelski.

I am an independent historian and scholar of North Carolina history and culture, with a focus on the history of African-Americans in North Carolina, including racial discrimination in public education and the struggle against state-sponsored racial segregation in education. I received my B.A. degree at Duke University (1982) and earned my M.A. and Ed.D degrees from the Harvard Graduate School of Education (1991), where I was named to the editorial board of the *Harvard Educational Review*. I have written several scholarly books and hundreds of articles on the history of North Carolina. Among them is *Along Freedom Road: Hyde County, North Carolina, and the Fate of Black Schools in the South*, an in-depth study of education and school integration that remains an important text in its field. In addition, I have written *The Waterman's Song: Slavery and Freedom in Maritime North Carolina* and *The Fire of Freedom: Abraham Galloway and the Slaves' Civil War*, both of which received North Carolina's highest awards for non-fiction writing.

In addition to those scholarly works, I co-edited (with Timothy B. Tyson) *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy*, which was awarded an Outstanding Book Award from the Gustavus Myers Center for the Study of Human Rights. My other books include a collection of historical essays called *A Historian's Coast* and an edited version (with Katherine Charron) of an important slave narrative, William H. Singleton's *Recollections of My*

Slavery Days. For a decade I wrote a popular oral history series called “Listening to History” for the *Raleigh News & Observer*, and I wrote a regular environmental history essay for *Coastwatch* magazine between 1996 and 2000. I have held distinguished visiting professorships at Duke, the University of North Carolina at Chapel Hill, and East Carolina University and continue to lecture and consult across the United States. Most recently, in fall of 2016, the North Carolina Literary and Historical Association honored me with the C. C. Crittenden Award for lifetime achievement “in the advancement of North Carolina history.”

In addition to the qualifications mentioned above that make up the basis of my opinions, I have attached as Exhibit 1 my *curriculum vitae*, which includes my education, professional affiliations, and descriptions of particularly relevant experiences. It also includes a list of all of the publications that I have authored in the last ten years.¹ I have not previously served as an expert witness.

The opinions stated herein are based upon my knowledge, training and experience, and have been rendered within a reasonable degree of professional certainty, consistent with professional skill and care.

II. Assignment and Compensation

I have been engaged by Defendant-Intervenors’ counsel to summarize and describe the history of discrimination and segregation at the University of North Carolina at Chapel Hill (“UNC-CH” or the “University”) as well as the State of North Carolina’s history of discrimination and segregation in public (K-12) education, using standard academic measures

¹ For the most current listing of my books, articles and lectures on North Carolina history, see <https://davidcecelski.com/>.

and methods. As described in further detail below, my analysis included a review of relevant scholarly materials regarding the history of UNC-CH and North Carolina's history of racial discrimination and segregation in public education.

I am being compensated in the present matter as follows. The time expended in my preparation of this report has been provided pro bono. My hourly rate for deposition or trial testimony is \$200/hour. Fees for my services are not contingent in any manner on the outcome of this litigation.

III. Documents and Information Relied on for this Report

In my preparation of this report I have relied on the following documents and information:

Adams v. Richardson, 351 F. Supp. 636 (D.D.C. 1972).

Adams v. Richardson, 480 F.2d 1159 (D.C. Cir. 1973).

Adams v. Califano, 430 F. Supp. 118 (D.D.C. 1977).

Roberta Sue Alexander, *North Carolina Faces the Freedmen: Race Relations During Presidential Reconstruction, 1865-1867* (Durham: Duke University Press, 1985).

Susan Ballinger, Bari Helms and Janis Holder. *Slavery and the Making of the University* (Chapel Hill: The University of North Carolina Press, 2005).

Kemp P. Battle, *History of the University of North Carolina. Volume I: From its Beginning to the Death of President Swain, 1789-1868* (Raleigh: Edwards & Broughton Printing Co., 1907).

Kemp P. Battle, *History of the University of North Carolina. Volume II: From 1868-1912* (Raleigh: Edwards & Broughton Printing Co., 1912).

Catherine W. Bishir, "Black Builders in Antebellum North Carolina," *North Carolina Historical Review*, 61, no. 4 (October 1984).

Horace Mann Bond, *The Education of the Negro in the American Social Order* (New York: Prentice-Hall, Inc., 1934).

Russell Brantley, *Durham Morning Herald*, "Former Solon Would Bar Negroes From University," March 27, 1951.

Dawn Brazell, *Daily Tar Heel*, "Minority enrollment drops despite goals," March 26, 1985.

Jim D. Brisson, "The Kirk-Holden War of 1870 and the Failure of Reconstruction in North Carolina" (M.A. thesis, UNC-Wilmington, 2010), accessed December 19, 2017, available at <http://dl.uncw.edu/etd/2010-3/brissonj/jimbrisson.pdf>.

David S. Cecelski and Timothy B. Tyson, eds., *Democracy Betrayed: The Wilmington Race Riot of 1898 and its Legacy* (Chapel Hill: The University of North Carolina Press, 1998).

Interview with Julius Chambers by Judith Van Wyk, March 6, 2007. L-0266, in the Southern Oral History Program Collection #4007, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill, accessed December 19, 2017, available at <http://dc.lib.unc.edu/cdm/compoundobject/collection/sohp/id/16515/rec/3>.

Art Chansky, *Game Changers: Dean Smith, Charlie Scott, And The Era That Transformed A Southern College Town* (Chapel Hill: University of North Carolina Press 2016).

John K. Chapman, *Black Freedom and the University of North Carolina, 1793-1960* (Ph.D diss., University of North Carolina at Chapel Hill, 2006).

Neal King Cheek. "An Historical Study Of The Administrative Actions In The Racial Desegregation of The University Of North Carolina At Chapel Hill, 1930-1955," (M.A. thesis, University of North Carolina at Chapel Hill, 1973).

Rob Christensen, *Raleigh News and Observer*, "State Files Lawsuit to Block Cutoff of Federal Funds to UNC System," April 25, 1979.

Rob Christensen and Joye Brown, *Raleigh News and Observer*, "Officials Say Schools 'Clearly Unequal,'" February 23, 1979.

Durham Sun, "Assistant Attorney General Sees Need—Private Schools Asked to Avoid Integration," July 14, 1955, accessed December 19, 2017, available at <http://digital.ncdcr.gov/cdm/compoundobject/collection/p16062coll17/id/169/rec/2>.

Durham Sun, "Carroll, George Back Hodges' School Plan," July 9, 1956, accessed December 19, 2017, available at <http://digital.ncdcr.gov/cdm/compoundobject/collection/p16062coll17/id/169/rec/2>.

Helen Grey Edmonds, *The Negro and Fusion Politics in North Carolina, 1894-1901* (Chapel Hill: The University of North Carolina Press, 1951).

Walker Elliott, "I Told Him I'd Never Been to His Back Door for Nothing: The Lumbee Indian Struggle for Higher Education under Jim Crow," *The North Carolina Historical Review*, Vol. 90, No. 1, January 2013.

Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill: The University of North Carolina Press, 1985).

Frasier v. Bd. of Trustees of Univ. of N.C., 134 F.Supp. 589 (M.D.N.C. 1955).

William Friday, Memorandum on the Settlement of the Litigation Between the University of North Carolina and the United States Department of Education, July 20, 1981, "UNC Collection of North Caroliniana," Wilson Library, University of North Carolina, Chapel Hill, NC.

Louis R. Harlan, *Separate and Unequal: Public School Comparisons and Racism in the Southern Seaboard States 1901-1915* (New York: Atheneum, 1968).

Declaration of Valerie Newsome Hayes, May 29, 2017, *Students for Fair Admissions, Inc. v. University of North Carolina*, No. 1:14-CV-00954-LCB-JLW (M.D.N.C.).

Jim Hummel, *Daily Tar Heel*, "NAACP to Fight Consent Decree," August 24, 1981.

Guion Griffis Johnson, *Ante-Bellum North Carolina: A Social History* (Chapel Hill: The University of North Carolina Press, 1937).

Bobby Frank Jones, "An Opportunity Lost: North Carolina Race Relations During Presidential Reconstruction" (M.A. thesis, The University of North Carolina at Chapel Hill, 1961).

Michael Muhammad Knight, *Vice Online*, "Facing the Legacy of Racism on UNC's Campus," January 29, 2015, accessed December 19, 2017, https://www.vice.com/en_us/article/xd5jbz/facing-the-legacy-of-racism-on-uncs-campus-456.

J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-party South, 1880-1910* (New Haven: Yale University Press, 1974).

James L. Leloudis, *Schooling the New South: Pedagogy, Self, and Society in North Carolina, 1880-1920* (Chapel Hill: The University of North Carolina Press, 1996).

Daniel Lockwood, *Daily Tarheel*, "Evidence of Institutional Racism at UNC," February 20,

2015, accessed December 19, 2017, <http://www.dailytarheel.com/article/2015/02/evidence-of-institutional-racism-at-unc>.

Sarah D. Manekin, “Black Student Protest and the Moral Crisis of the University of North Carolina at Chapel Hill, 1967-1969” (Honors thesis, Dept. of History, University of North Carolina at Chapel Hill, Spring, 1998).

Robert A. Margo, *Race and Schooling in the South, 1880-1950: An Economic History* (Chicago: University of Chicago Press, 1990).

McKissick v. Carmichael, 187 F.2d 949 (4th Cir. 1951), *cert. denied*, 341 U.S. 951 (1951).

New York Times, “Negro Problem Solved: North Carolina’s Governor So Asserts at Banquet: Partial Disfranchisement a Reason, He Says, for Lack of Trouble in His State,” December 19, 1903, p. 5.

New York Times, “Carolina settles integration suit on universities,” June 21, 1981, accessed December 19, 2017, available at <http://www.nytimes.com/1981/06/21/us/carolina-settles-integration-suit-on-universities.html>.

Consent Decree, *North Carolina v. Dep’t of Educ.*, No. 79-217-CIV 5 (E.D.N.C. April 24, 1979).

Memorandum Opinion, *North Carolina v. Dep’t of Educ.*, No. 79-217-CIV 5 (E.D.N.C. July 17, 1981).

The April 5th Report of the North Carolina Advisory Committee on Education to the Governor, the General Assembly, the State Board of Education, and the County and Local School Boards of North Carolina, 1956, accessed December 19, 2017, available at https://archive.org/stream/reportofnorthcar00nort_0#page/n3/mode/2up.

Declaration of Dr. Gwenevere Charlene Parker, May 31, 2017, *Students for Fair Admissions, Inc. v. University of North Carolina*, No. 1:14-CV-00954-LCB-JLW (M.D.N.C.).

Rupert J. Picott, Stephen J. Wright and Ellis O. Knox, “A Survey of the Public Schools in Durham, North Carolina,” June 1950, Durham, North Carolina.

Daniel H. Pollitt, *Legal Problems in Southern Desegregation: The Chapel Hill Story*, 43 N.C. L.Rev. 689, 690 (1965).

Letter from N.C. Attorney General William Rodman, Jr. to Chancellor Carey Bostian, March 29, 1956, *The State of History*, accessed December 19, 2017, available at <https://soh.omeka.chass.ncsu.edu/items/show/267>.

Richard A. Rosen and Joseph Mosnier, *Julius Chambers: A Life In The Legal Struggle For Civil Rights* (Chapel Hill: The University of North Carolina Press, 2016).

Phillip Russell, *The Woman Who Rang the Bell: The Story of Cornelia Phillips Spencer* (Chapel Hill: The University of North Carolina Press, 1949).

Mark Warren Schafer, "The Desegregation of a Public University System: Conflict Between the Consolidated University of North Carolina and the Department of Health, Education, and Welfare, 1969-79" (Ph.D. diss., University of North Carolina at Chapel Hill, 1980).

Statement by Governor Bob Scott, February 19, 1970, General Administration: Legal Affairs Division, UNC-HEW Negotiation on Desegregation, General, January-June 1970, Wilson Library Archives, University of North Carolina, Chapel Hill, NC.

Lynne Thomson, *Daily Tar Heel*, "First Black UNC-CH Student Recalls '51," August 5, 1982.

Lynne Thomson, *Daily Tar Heel*, "Segregation at UNC: A call for affirmative action in University housing," August 6, 1981.

Sarah Carolina Thuesen, *Greater Than Equal: African-American Struggles for Schools and Citizenship in North Carolina, 1919-1965* (Chapel Hill: University of North Carolina Press, 2013).

Howard Troxler, *Daily Tar Heel*, "Friday Backs Helms on Measure to Limit Federal 'Nitpicking,'" June 9, 1977.

University of North Carolina, Resolution Adopted by Board of Trustees, May 23, 1955, accessed December 19, 2017, available at <https://soh.omeka.chass.ncsu.edu/files/original/065707dd1ca959fce82d0bf9e63f188a.jpg>.

University of North Carolina at Chapel Hill, "Virtual Black and Blue Tour: UNC's Historical Landmarks in Context of UNC's Racial History," accessed December 19, 2017, <http://blackandblue.web.unc.edu/stops-on-the-tour/>.

University of North Carolina at Chapel Hill, The Carolina Story: A Virtual Museum of Carolina History, "First Indian at UNC, Owl," accessed December 19, 2017, <https://museum.unc.edu/exhibits/show/american-indians-and-chapel-hi/henry-owl>.

UNC-CH Affirmative Action Office, "Minority and Female Presence Report—1988," November 1988, Office of Chancellor of the University of North Carolina at Chapel Hill: Christopher C. Fordham Records, 1969-1995, University Archives at the Louis Round Wilson Special Collections Library, University of North Carolina, Chapel Hill, NC.

University of North Carolina at Charlotte, “The Pearsall Plan,” J. Murrey Atkins Library, Special Collections Unit, Exhibit: Race and Education in Charlotte, accessed December 19, 2017, available at <https://speccollexhibit.omeka.net/exhibits/show/resistance-and-reform/resistance-to-change/the-pearsall-plan>.

June 6, 1963 Letter from UNC School of Law professors to President William Friday, accessed December 19, 2017, available at <https://exhibits.lib.unc.edu/files/original/45d4be8487861c2619579655b9a9daf9.jpg>.

U.S. Dep’t of Commerce, Bureau of the Census, 1980 Census of Population, Volume 1: Characteristics of the Population, Chapter B: General Population Characteristics, Part 35, North Carolina, June 1982, accessed December 19, 2017, available at <https://www.census.gov/prod/www/decennial.html>.

U.S. Senate, S.519, “Academic Freedom Act of 1979,” March 1, 1979, summary available at <https://www.congress.gov/bill/96th-congress/senate-bill/519>.

U.S. Senate, S.1361, “Academic Freedom Act,” April 22, 1977, summary available at <https://www.congress.gov/bill/95th-congress/senate-bill/1361?r=2834>.

Declaration of Pamela Phifer White, June 16, 2017, *Students for Fair Admissions, Inc. v. University of North Carolina*, No. 1:14-CV-00954-LCB-JLW (M.D.N.C.).

Declaration of Kenneth Ward, May 30, 2017, *Students for Fair Admissions, Inc. v. University of North Carolina*, No. 1:14-CV-00954-LCB-JLW (M.D.N.C.).

Declaration of Patsy B. Zeigler, May 30, 2017, *Students for Fair Admissions, Inc. v. University of North Carolina*, No. 1:14-CV-00954-LCB-JLW (M.D.N.C.).

IV. UNC-CH’s History of White Supremacy and Racist Exclusion

The University of North Carolina at Chapel Hill has been a strong and active promoter of white supremacy and racist exclusion for most of its history. Current policies and practices aside, the power of that historical legacy persists and is grounded deeply in generations of racial exclusion, hostility to employees and students of color, and a commemorative landscape² that

² For a description of the slavery-related history underlying many of UNC-CH’s monuments and commemorative plaques, see Daniel Lockwood, *Daily Tarheel*, “Evidence of Institutional

continues to honor white supremacists from the State's past. Over the centuries, the University's leaders have included the State's largest slaveholders, the leaders of the Ku Klux Klan, the central figures in the white supremacy campaigns of 1898 and 1900, and many of the State's most ardent defenders of Jim Crow and race-based Social Darwinism in the twentieth century. In recent decades, the University's faculty, administrators and trustees have made important strides to reform the institution's racial outlook and policies, but those efforts have fallen short of repairing a deep-seated legacy of racial hostility and disrespect for people of color.

To an important degree, the impact of that history is beyond measurement and statistics: after proudly bearing the mantle of white supremacy for many generations, History is not easily cast aside.

A brief review of the University's history as a potent symbol of white supremacy and racist oppression offers important lessons. Founded in 1789, the University was established primarily as an institution of higher learning for the slaveholding class. Thirty of the original forty UNC-CH trustees were slaveholders, at a time when 69 percent of North Carolina's white families held no slaves at all.³ Their mission "was to make young men into masters."⁴ The

Racism at UNC," February 20, 2015, accessed December 19, 2017, <http://www.dailytarheel.com/article/2015/02/evidence-of-institutional-racism-at-unc>; UNC-CH, "Virtual Black and Blue Tour: UNC's Historical Landmarks in Context of UNC's Racial History," accessed December 19, 2017, <http://blackandblue.web.unc.edu/stops-on-the-tour/>.

³ See Susan Ballinger, Bari Helms, and Janis Holder, *Slavery and the Making of the University* (Chapel Hill: The University of North Carolina Press, 2005), 23 (numbers of trustees who owned slaves and number of slaves owned by individual trustees); Guion Griffis Johnson, *Ante-Bellum North Carolina: A Social History* (Chapel Hill: The University of North Carolina Press, 1937), 56 (percentage of slave holding families in North Carolina in 1790).

⁴ James L. Leloudis, *Schooling the New South: Pedagogy, Self, and Society in North Carolina, 1880-1920* (Chapel Hill: The University of North Carolina Press, 1996), 38.

University's trustees and largest donors were generally large slaveholders, as were the students' families, and the University often employed enslaved laborers, as did many of the students.⁵

While some American universities had progressive policies with respect to race and slavery in the 19th century, that was not the case at UNC-CH or in Chapel Hill. The whipping of slaves by University professors and townspeople was an established norm of white supremacy in Chapel Hill.⁶ The University excluded all people of color from its faculty and student body, and the University's administration and student leaders nourished a revised vision of the State's history that glorified slavery and the Confederate cause in the Civil War, while putting forward arguments in defense of white supremacy and the oppression of people of color.⁷

The University's leaders and study body punished any dissent from racial orthodoxy. For example, in 1856, when Professor Benjamin Hedrick stated that he opposed the extension of slavery into the western territories, the University's trustees fired him and students burned him in effigy.⁸ A few years later, in 1865, UNC-CH students attacked an African-American political meeting in Chapel Hill.⁹

⁵ Ballinger, Helms, and Holder, *Slavery and the Making of the University*, 23; Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill: The University of North Carolina Press, 1985), 15; Catherine W. Bishir, "Black Builders in Antebellum North Carolina," *North Carolina Historical Review*, 61, no. 4 (Oct. 1984), 439; Kemp P. Battle, *History of the University of North Carolina, Volume I: From its Beginning to the Death of President Swain, 1789-1868* (Raleigh: Edwards & Broughton Printing Co., 1907), 10, 15, 138-40, 150-53, 622.

⁶ Battle, *History*, 1: 270, 534.

⁷ Kemp P. Battle, *History of the University of North Carolina, Volume II: From 1868-1912* (Raleigh: Edwards & Broughton Printing Co., 1912), 8, 10, 115-16, 194, 234, 242-43, 284, 315-20, 402, 415-18, 428, 571, 666, 685.

⁸ Battle, *History*, 1: 654-55; see also Battle, *History*, 2: 4, 10.

⁹ Bobby Frank Jones, "An Opportunity Lost: North Carolina Race Relations During Presidential

In the late nineteenth century, UNC-CH grew into an even more powerful promoter of white supremacy in North Carolina. During the Reconstruction Era, the University's trustees and graduates played leading roles in the Ku Klux Klan's violent campaign against African-American voting and civil rights.¹⁰ One such trustee, B.F. Moore, played a key role in enacting the infamous "Black Codes" in North Carolina, greatly restricting the civil rights of the newly freed African-American slaves.¹¹ Later in the century, the University gave an honorary degree to Alfred Moore Waddell, an alumnus who later led the racial massacre known as the "Wilmington race riot of 1898."¹² A president of the UNC-CH board of trustees, Charles Aycock, was also one of the central figures in the white supremacy campaigns of 1898 and 1900 (which included the Wilmington race riot). The *New York Times* summarized Aycock on the three parts of the successful white supremacy campaign: "Disfranchisement as far as possible, the essential

Reconstruction," (M.A. thesis, UNC-CH, 1961), 47-48. For local commentary on this incident, see Phillip Russell, *The Woman Who Rang the Bell: The Story of Cornelia Phillips Spencer* (Chapel Hill: The University of North Carolina Press, 1949), 76.

¹⁰ See, e.g., Battle, *History*, 2: 88, 787, 790 (identifying David Schenk as a graduate and John Kerr and James E. Boyd as trustees); Jim D. Brisson, "The Kirk-Holden War of 1870 and the Failure of Reconstruction in North Carolina" (M.A. thesis, UNC-Wilmington, 2010), accessed December 19, 2017, available at <http://dl.uncw.edu/etd/2010-3/brissonj/jimbrisson.pdf>, 15, 37 (tying all three men to the Klan).

¹¹ Roberta Sue Alexander, *North Carolina Faces the Freedmen: Race Relations During Presidential Reconstruction* (Durham: Duke University Press, 1985), 45 (noting B.F. Moore's role in drafting the Black Codes).

¹² Wilmington Morning Post, October 25, 1898, quoted in David S. Cecelski and Timothy B. Tyson, eds., *Democracy Betrayed: The Wilmington Race Riot of 1898 and its Legacy* (Chapel Hill: The University of North Carolina Press, 1998), 4; Alfred Moore Waddell, a Confederate veteran and U.S. Congressman, is quoted by John Hope Franklin in his Forward to Cecelski and Tyson, eds., *Democracy Betrayed*, xi.

superiority of the white man, and recognition by the negro of his own inferiority.”¹³ That outlook was deeply embedded in UNC-CH’s institutional culture, and to this day more than a half dozen buildings on the campus still bear the names of the white supremacy campaign’s leaders.¹⁴

In the early 20th century, the University continued to keep white supremacy at the core of its admission policies, hiring practices, moral vision and pedagogy. The University enforced its own Jim Crow regulations.¹⁵ At University sports events, the campus band routinely played “Dixie.”¹⁶

African-Americans and other people of color began to challenge UNC-CH’s all-white enrollment policy as early as the 1930s, but the University’s leadership resisted desegregation for decades. Few, if any, of the steps toward racial integration came voluntarily. In 1951, the federal

¹³ The quote summarizing Aycock is reported in “Negro Problem Solved: North Carolina’s Governor So Asserts at Banquet: Partial Disfranchisement a Reason, He Says, for Lack of Trouble in His State,” *New York Times*, December 19, 1903, p. 5. See also Escott, *Many Excellent People*, 260; J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-party South, 1880-1910* (New Haven: Yale University Press, 1974), 188-89; Battle, *History*, 2: 791; Helen Grey Edmonds, *The Negro and Fusion Politics in North Carolina, 1894-1901* (Chapel Hill: The University of North Carolina Press, 1951), 141-2 (describing the broader context of the campaign).

¹⁴ For a list of honorary degrees awarded by UNC-CH, see http://library.unc.edu/wilson/ncc/honorary_degrees/. See also Battle, *History*, 2: 524, 786, 789, 791, 807; Edmonds, *Fusion Politics*, 141-42 (describing alumnus Francis Winston and recipient Josephus Daniels’ roles in white supremacist campaigns); Leloudis, *Schooling the New South*, 136-7; Kousser, *Shaping Southern Politics*, 188-89, 191-92. In addition to naming buildings after the white supremacist leaders of 1898-1900, the University also named buildings after a leading Klansman and Confederate war heroes. See also Fn. 2, *supra*.

¹⁵ Neal King Cheek, “An Historical Study Of The Administrative Actions In The Racial Desegregation Of The University Of North Carolina At Chapel Hill, 1930-1955,” (M.A. thesis, UNC-CH, 1973), 172-77.

¹⁶ See, e.g., Art Chansky, *Game Changers: Dean Smith, Charlie Scott, And The Era That Transformed A Southern College Town* (Chapel Hill: University of North Carolina Press 2016), 108-109.

courts finally mandated that UNC-CH desegregate its law school and other graduate programs.¹⁷

In that year, the UNC-CH administration also admitted the University's first Lumbee Indian student. Up to that time, the University had applied the same policies and practice of racist exclusion against North Carolina's Lumbee Indian community as it had African-Americans.¹⁸ Simply put, at every stage, the University fought racial integration.¹⁹

The UNC-CH trustees sought to take off pressure for racial integration of the Chapel Hill campus by improving and starting new academic programs at North Carolina College for Negroes (now North Carolina Central University), and the University even went to court to block racial integration of its undergraduate student body *after* the U.S. Supreme Court had ruled in *Brown v. Board of Education* in 1954.²⁰

¹⁷*McKissick v. Carmichael*, 187 F.2d 949 (4th Cir. 1951), *cert. denied*, 341 U.S. 951 (1951). See also Lynne Thomson, *Daily Tar Heel*, "First Black UNC-CH Student Recalls '51," August 5, 1982 (interviewing student J. Kenneth Lee).

¹⁸ See Walker Elliott, "I Told Him I'd Never Been to His Back Door for Nothing: The Lumbee Indian Struggle for Higher Education under Jim Crow," *The North Carolina Historical Review*, Vol. 90, No. 1, January 2013, 49-87. The University, although applying its racist admissions policy to exclude Lumbee Indian students, does not seem to have applied that same practice of exclusion to Cherokee students. See, e.g., UNC-CH, *The Carolina Story: A Virtual Museum of Carolina History*, "First Indian at UNC, Henry Owl," accessed December 19, 2017, <https://museum.unc.edu/exhibits/show/american-indians-and-chapel-hi/henry-owl>.

¹⁹ University of North Carolina, Resolution Adopted by Board of Trustees, May 23, 1955, accessed December 19, 2017, available at <https://soh.omeka.chass.ncsu.edu/files/original/065707dd1ca959fce82d0bf9e63f188a.jpg>; Letter from N.C. Attorney General William Rodman, Jr. to Chancellor Carey Bostian, March 29, 1956, *The State of History*, accessed December 19, 2017, available at <https://soh.omeka.chass.ncsu.edu/items/show/267> (lauding "the tremendous effort which the Governor and the North Carolina Advisory Committee are making to preserve public education in North Carolina. We must always remember that what has been done has been accomplished under a racially segregated school system").

²⁰ Cheek, "Desegregation Of The University," 134, 139, 153, 167; see also Russell Brantley, *Durham Morning Herald*, "Former Solon Would Bar Negroes From University," March 27,

Pursuant to court orders, the University admitted its first African-American undergraduates in 1955.²¹ By admitting only a handful of African-American students and by creating a climate of racial hostility for admitted African-American students, the University succeeded in fighting meaningful racial integration well after the federal courts required that it occur. “The African-American pioneers suffered constant harassment and humiliations at the law school and on campus.”²²

Much of the UNC-CH and Chapel Hill community in which new African-American students arrived remained segregated. Chapel Hill businesses were segregated without complaint from UNC-CH leaders until challenged by community activists or the passage of the Civil Rights Act of 1964.²³

Because of threats and harassment, state highway patrolmen escorted the students at all times. “University officials were unwelcoming,” Chambers’ biographers continued, “forbidding the black students’ participation in most campus social events.”²⁴ African-American students

1951.

²¹ *Frasier v. Bd. Of Trustees of Univ. of N.C.*, 134 F.Supp. 589 (M.D.N.C. 1955).

²² Richard A. Rosen and Joseph Mosnier, *Julius Chambers: A Life In The Legal Struggle For Civil Rights* (Chapel Hill: The University of North Carolina Press, 2016), 29; see also “Cobb Dormitory,” in “Virtual Black and Blue Tour,” accessed December 19, 2017, <http://blackandblue.web.unc.edu/stops-on-the-tour/>.

²³ See Fn. 15, supra; June 6, 1963 letter from UNC-CH School of Law professors to President William Friday, regarding UNC-CH’s inaction in combatting local segregation, accessed December 19, 2017, available at <https://exhibits.lib.unc.edu/files/original/45d4be8487861c2619579655b9a9daf9.jpg>; see also Daniel H. Pollitt, *Legal Problems in Southern Desegregation: The Chapel Hill Story*, 43 N.C. L. Rev. 689, 690 (1965) (noting that University’s administrators “shut their eyes to the problem with a position of neutrality”).

²⁴ Rosen and Mosnier, *Julius Chambers*, 29-30.

were barred from the swimming pool and housed on an all-African-American floor of a dormitory, where they often heard the white students on other floors yelling racial epithets at them. They “suffered frequent humiliation and enjoyed few kindnesses. Few white students would talk to them.”²⁵ Law school professors largely ignored their few African-American students. They often refused to call on them in class or address them at all, and UNC-CH administrators organized social events at whites-only venues off campus so that African-American students could not attend them.²⁶

The University’s continuing refusal to desegregate any aspect of its operations or student body without being forced to do so reinforced the barriers to the attendance and success of students of color. The impact and legacy of this history on students of color cannot be overestimated. The University’s treatment of its students of color sent a powerful message to the State’s African-American citizenry that they were not welcome at UNC-CH and that their children would not be treated with respect or dignity.

From the mid-1950s through the mid-1960s, the University’s leaders, under court order, finally implemented a “color-blind” admissions policy. However, UNC-CH officials refused to take any steps to recruit qualified African-American students or other people of color to apply or even encourage them to consider attending the University. That practice contrasted starkly with UNC-CH’s expanded and targeted recruitment of students at all-white high schools.²⁷

²⁵ Id.

²⁶ Id. at 30.

²⁷ Sarah D. Manekin, “Black Student Protest and the Moral Crisis of the University of North Carolina at Chapel Hill, 1967-1969” (Honors thesis, Dept. of History, Spring, 1998), 13-14.

Starting in the late 1960s, as a result of constant pressure and protest from the Black Student Movement and other African-American students (together with their white student and faculty allies), the UNC-CH administration agreed to demands to take a more active position regarding recruitment of African-American high school students. The University also agreed to African-American student demands to revise its Eurocentric undergraduate curriculum to include some courses addressing the African-American experience.²⁸ Nonetheless, in 1968, the percentage of African-American undergraduates did not quite reach 1%.²⁹

De facto segregation persisted. In 1976 the Department of Health Education and Welfare cited North Carolina for maintaining a segregated system of postsecondary education.³⁰ The Governor publicly attacked HEW's action "as nothing more than integration for integration's sake . . . a course which appears to me to lead to the destruction of North Carolina's public higher education facilities."³¹ The ensuing conflict would last for two decades.³²

By 1978, little progress had been made by the University towards integrating its student

²⁸ Manekin, "Black Student Protest," 13-14, 20-32, 47.

²⁹ Manekin, "Black Student Protest," 8. According to Manekin, there were 107 African-American undergraduates out of a total of 11,010 undergraduate students.

³⁰ Mark Warren Schafer, "The Desegregation of a Public University System: Conflict Between the Consolidated University of North Carolina and the Department of Health, Education, and Welfare, 1969-79" (Ph.D. diss., UNC-CH, 1980), 51.

³¹ Statement by Governor Bob Scott, February 19, 1970, General Administration: Legal Affairs Division, UNC-HEW Negotiation on Desegregation, General, January-June 1970, Wilson Library Archives, University of North Carolina, Chapel Hill, NC.

³² HEW began seriously enforcing integration in systems of higher education in part due to a lawsuit filed by the National Association for the Advancement of Colored People Legal Defense and Education Fund ("LDF"). See *Adams v. Richardson*, 351 F. Supp. 636, 637 (D.D.C. 1972); *Adams v. Richardson*, 480 F.2d 1159, 1166 (D.C. Cir. 1973); *Adams v. Califano*, 430 F. Supp. 118, 119-20 (D.D.C. 1977) (finding the desegregation plan submitted by UNC-CH to be deficient).

body; only 6.7 percent of enrolling undergraduates were African-American.³³ A professor and former President of Shaw, a historically African-American college, noted the “open defiance” of the UNC administration to the desegregation efforts.³⁴ Eventually, Julius Chambers resigned from the Board of Governors in protest over its failure to take meaningful action to end segregation.³⁵ In the face of increasing federal scrutiny of the administration’s resistance, Senator Jesse Helms introduced a bill to block federal desegregation enforcement, for which he was praised by UNC-CH.³⁶

When HEW finally revoked UNC’s federal funding for its continued noncompliance, North Carolina responded with a lawsuit lambasting enforcement efforts as “directed solely toward states of the ‘Old Confederacy.’”³⁷ Meanwhile, UNC-CH students named Secretary Joseph Califano—the man in charge of “HEW’s efforts to desegregate the 16-campus UNC

³³ Schafer, *Desegregation*, 35. For comparison, the 1980 census measured the African-American population in North Carolina at 22.4 percent. U.S. Dep’t of Commerce, Bureau of the Census, 1980 Census of Population, Volume 1: Characteristics of the Population, Chapter B: General Population Characteristics, Part 35, North Carolina, June 1982, accessed December 19, 2017, available at <https://www.census.gov/prod/www/decennial.html>.

³⁴ Rob Christensen and Joye Brown, *Raleigh News and Observer*, “Officials Say Schools ‘Clearly Unequal,’” February 23, 1979, p.6.

³⁵ Interview with Julius Chambers by Judith Van Wyk, March 6, 2007. L-0266, in the Southern Oral History Program Collection #4007, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill, accessed December 19, 2017, transcript available at <http://dc.lib.unc.edu/cdm/compoundobject/collection/sohp/id/16515/rec/3>.

³⁶ S.519, Academic Freedom Act of 1979, March 1, 1979, summary available at <https://www.congress.gov/bill/96th-congress/senate-bill/519>; S.1361, Academic Freedom Act, April 22, 1977, summary available at <https://www.congress.gov/bill/95th-congress/senate-bill/1361?r=2834>; Howard Troxler, *Daily Tar Heel*, “Friday Backs Helms on Measure to Limit Federal ‘Nitpicking,’” June 9, 1977; see also Schafer, *Desegregation*, 207 (describing further opposition by legislators).

³⁷ Rob Christensen, *Raleigh News and Observer*, “State Files Lawsuit to Block Cutoff of Federal Funds to UNC System,” April 25, 1979, pp.1, 6.

system”—“the hands-down winner” of the “ugliest man on campus” contest.³⁸ The contentious litigation was resolved abruptly when the new Reagan administration announced a settlement, credited in part to the efforts of Senator Helms.³⁹ The LDF unsuccessfully opposed this consent decree—which placed no concrete obligations on UNC—as abandoning any attempt at true enforcement.⁴⁰ Their criticism proved prescient.

Instead of making progress towards the consent decree’s nonbinding goal of ten percent enrollment, African-American enrollment at UNC-CH in 1985 dropped slightly below the enrollment numbers at the time of settlement.⁴¹ During this period, African-American students continued to experience isolation and discrimination.⁴² Students were subjected to racial slurs and stereotypes.⁴³ One 1983 graduate recalls being asked to do the laundry by her white classmates, who let her know that the only African-Americans they had previously encountered were their maids.⁴⁴ In 1988, the last year the University reported under the consent decree,

³⁸ *Id.* at 6.

³⁹ *New York Times*, “Carolina settles integration suit on universities,” June 21, 1981, accessed December 19, 2017, available at <http://www.nytimes.com/1981/06/21/us/carolina-settles-integration-suit-on-universities.html>; Consent Decree, *North Carolina v. Dep’t of Educ.*, No. 79-217-CIV 5 (E.D.N.C. April 24, 1979).

⁴⁰ Jim Hummel, *Daily Tar Heel*, “NAACP to Fight Consent Decree,” August 24, 1981; William Friday, Memorandum on the Settlement of the Litigation Between the University of North Carolina and the United States Department of Education, July 20, 1981, “UNC Collection of North Caroliniana,” Wilson Library, University of North Carolina, Chapel Hill, NC; Mem. Op., *North Carolina v. Dep’t of Educ.*, No. 79-217-CIV 5 (E.D.N.C. July 17, 1981).

⁴¹ Dawn Brazell, *Daily Tar Heel*, “Minority enrollment drops despite goals,” March 26, 1985.

⁴² *Id.*; Lynne Thomson, *Daily Tar Heel*, “Segregation at UNC: A call for affirmative action in University housing,” August 6, 1981; Declaration of Dr. Gwenevere Charlene Parker at ¶ 8.

⁴³ See, e.g., Declaration of Pamela Phiher White at ¶¶ 8-10; Declaration of Kenneth Ward at ¶¶ 7-8; Declaration of Dr. Parker at ¶¶ 9-11; Declaration of Valerie Newsome Hayes at ¶ 7.

⁴⁴ Declaration of Patsy B. Zeigler at ¶¶ 9-10, 12-14.

undergraduate African-American enrollment had only reached 8.6 percent.⁴⁵ A two-decade-long struggle to eliminate continued segregation ended with a whimper, integration goals unmet.

V. The State of North Carolina's History of Racial Discrimination in Public Education

North Carolina's history of racism at UNC-CH did not occur in isolation and must be viewed within the State's broader history of racially discriminatory policies and practices in its system of public (K-12) education. Through its discriminatory public education policies and practices, the State created and perpetuated racial disparities and further prevented and then substantially undermined African-American student enrollment at UNC-CH. It did this in part by restricting funding and other resources necessary for otherwise eligible African-American high school students to obtain the academic skills essential for admission.

During the period of slavery in North Carolina through the Civil War, North Carolina's elected leaders enacted laws restricting the education of African-American slaves as well as free persons of color.⁴⁶ From the end of the Civil War through the 1950s, North Carolina systemically favored whites and discriminated against African-Americans in the provision of public education, even as it kept them in segregated public schools. Even after legally enforced segregation was ended by the Supreme Court, North Carolina sought to maintain a system of *de facto* segregation. As the legislatively-created North Carolina Advisory Committee on Education

⁴⁵ UNC-CH Affirmative Action Office, "Minority and Female Presence Report—1988," November 1988, Office of Chancellor of the University of North Carolina at Chapel Hill: Christopher C. Fordham Records, 1969-1995, University Archives at the Louis Round Wilson Special Collections Library, University of North Carolina, Chapel Hill, NC, p. i (acknowledging that "the University has not reached the ten percent enrollment goal that has been a target throughout this decade").

⁴⁶ Johnson, *Ante-Bellum North Carolina*, 543, 601.

proclaimed in response to *Brown*: “The educational system of North Carolina has been built on the foundation stone of separation of the races in the schools. . . . Every particle of progress which has been made in education since 1900 has rested squarely on the principle of separation of the races compelled by State law . . . The Supreme Court of the United States destroyed the school system we had developed—a segregated-by-law system.”⁴⁷ The Committee advised that “[d]efiance of the Supreme Court would be fool-hardy.”⁴⁸ It instead advocated the State “rebuild” the school system so as to maintain segregation but comply with the law, counseling: “When the fires have subsided, when sanity returns . . . when the North Carolina Negro finds that his outside advisors are not his best or most reliable friends, then we can achieve the voluntary separation which our Governor and other State leaders have so wisely advocated.”⁴⁹

North Carolina Assistant Attorney General R. Beverly Lake “advised North Carolina communities to be prepared to operate private schools to avoid integration” as a necessary backstop to the plan.⁵⁰ And on July 9, 1956, the State Superintendent of Public Instruction (along with the head of the white supremacist organization “the Patriots of North Carolina”) announced his support of Governor Luther Hodges’ implementation of the plan to prevent *de facto*

⁴⁷ The April 5th Report of the North Carolina Advisory Committee on Education to the Governor, the General Assembly, the State Board of Education, and the County and Local School Boards of North Carolina, 1956, 4-5, accessed December 19, 2017, available at https://archive.org/stream/reportofnorthcar00nort_0#page/n3/mode/2up.

⁴⁸ *Id.* at 6.

⁴⁹ *Id.* at 7-8.

⁵⁰ *Durham Sun*, “Assistant Attorney General Sees Need—Private Schools Asked to Avoid Integration,” July 14, 1955, accessed December 19, 2017, available at <http://digital.ncdcr.gov/cdm/compoundobject/collection/p16062coll17/id/169/rec/2> (p.7).

integration in public schools—the infamous Pearsall Plan.⁵¹

Unsurprisingly, therefore, systematic racial discrimination, both pre and post *Brown v Board of Education*, is well documented. As set forth below, such discrimination included, among other things, racial disparities in teacher pay, per-pupil expenditures, the value of white and African-American public school property, the quality and extent of the school curriculum, and the provision of school supplies.

As shown by the State’s per capita expenditures for teachers’ salaries by race during the period from Reconstruction through the Depression, North Carolina discriminated in its funding of public education.⁵² During the period of time examined (ending in 1933, the last year noted in the study) spending on teacher salaries per capita for white schools far exceeded that expended for African-American schools. For example, the per capita educational funding in 1873 for teacher salaries was \$0.48 for white schools and \$0.40 for African-American schools.⁵³

The disparity in teacher pay grew even greater after the white supremacy campaigns of

⁵¹ *Durham Sun*, “Carroll, George Back Hodges’ School Plan,” July 9, 1956, accessed December 19, 2017, available at <http://digital.ncdcr.gov/cdm/compoundobject/collection/p16062coll17/id/169/rec/2> (p.6). Enacted by the General Assembly in 1956, the Pearsall Plan’s goal was to impede racial integration of North Carolina’s public schools, as recently mandated by the Supreme Court in *Brown v. Board*. See North Carolina Advisory Committee on Education, “The Pearsall Plan to Save Our Schools,” published in University of North Carolina at Charlotte, “The Pearsall Plan,” J. Murrey Atkins Library, Special Collections Unit, Exhibit: Race and Education in Charlotte, accessed December 19, 2017, available at <https://speccollexhibit.omeka.net/exhibits/show/resistance-and-reform/resistance-to-change/the-pearsall-plan>.

⁵² Horace Mann Bond, *The Education of the Negro in the American Social Order*, (New York: Prentice-Hall, Inc., 1934), 155-56.

⁵³ Bond, *Education*, Table X, pp. 155-56.

1898 and 1900. From 1901 through the end of the study in 1933, per capita spending by North Carolina for teachers at white schools exceeded that expended for African-American schools anywhere from 38% up to triple the expenditures for African-American schools.⁵⁴

The State also provided disparate funding for African-American schools for decades. In 1900, North Carolina's school population was 34.7% African-American, but the segregated schools for the African-American population received 28.3% of state expenditures designated by race; by 1915, the percentage of African-Americans in the public school population was 32.6%, but African-American schools received only 13.0% of state expenditures designated by race.⁵⁵ Such funding disparities for public education were more extreme in those eastern North Carolina counties where African-Americans comprised a greater percentage of the population.⁵⁶ The average level of North Carolina spending on instruction by race over a sixty (60) year period from 1890 through 1950 is shown in Table A below. Although progress towards funding parity certainly occurred, racial disparities continued.

Table A: Per-Pupil Expenditure on Instruction in North Carolina (1950 Dollars)⁵⁷

	c. 1890	c. 1910	c. 1935	c. 1950
African-American	7.75	9.28	32.92	92.84
White	7.67	17.25	51.43	100.37
Ratio	1.01	0.54	0.64	0.93

⁵⁴ Id.

⁵⁵ Louis R. Harlan, *Separate and Unequal: Public School Comparison and Racism in the Southern Seaboard States 1901-1915* (New York: Atheneum, 1968), 131.

⁵⁶ Bond, *Education*, Table XIII, p. 161.

⁵⁷ Robert A. Margo, *Race and Schooling in the South, 1880-1950: An Economic History* (Chicago: University of Chicago Press, 1990), Table 2.5, pp. 21-22.

A comparison of the appraised value of school property of segregated public schools for white students and African-American students, shown in Table B, is one more example of North Carolina's racial disparities in state and local investment in public school education.

Table B: Appraised Value of School Property per Pupil Enrolled, by Race, 1919-1964⁵⁸

Year	White Schools	African-American Schools	Ratio of White to African-American Values
1919-20	\$45.32	\$11.20	4.0
1924-25	113.40	29.03	3.9
1929-30	162.92	44.20	3.7
1934-35	152.99	44.55	3.4
1939-40	167.36	55.93	3.0
1944-45	203.80	73.08	2.8
1949-50	314.29	127.38	2.5
1954-55	539.70	336.65	1.6
1959-60	709.54	487.10	1.5
1963-64	826.24	565.55	1.5

North Carolina's racial discrimination in its provision of public education is also shown in the difference in resources provided to African-American and white students. Table C consists of a 1950 comparison of chemistry equipment available at two high schools in Durham, North Carolina. The white Durham High School maintained much better classroom equipment than the African-American high school, Hillside High.

⁵⁸ Sources: Biennial Reports, 1962-63/1963-64, pt. 1, 37, cited in Sarah Carolina Thuesen. *Greater Than Equal: African American Struggles for Schools and Citizenship in North Carolina, 1919-1965* (Chapel Hill: The University of North Carolina Press, 2013), Table 5.2, p. 164. School property values include the estimated value of school sites, buildings, furniture, equipment, and library books.

Similar differences in physics and biology supplies between the white and African-American high school also existed.⁵⁹

Table C: Comparison of Chemical Equipment and Supplies, Durham and Hillside High Schools, Durham, NC⁶⁰

Equipment and supplies, relatively permanent apparatus	Durham High School	Hillside High School
Crucible tongs	71	**
Wing tops	72	**
Triangular files	42	**
Pipe stem triangles	94	**
Clamps, Mohr's	60	**
Test tube brushes	75	**
Test tube clamps	70	**
Forceps	98	**
Wire gauze, asbestos center	39	**
Rings, iron	109	**
Tripods	6	**
Ring stands	27	**
Deflagrating spoons	18	**
Pneumatic troughs	25	0
Balances, triple beam	4	1
Balances, analytical	3	0
Brunson burners with hose	12	0

One of North Carolina's Biennial Reports, noted in Table D, shows racially discriminatory differences in the curriculum provided to white and African-American

⁵⁹ J. Rupert Picott, Stephen J. Wright and Ellis O. Knox, "A Survey of the Public Schools in Durham, North Carolina," June 1950, Durham, North Carolina, 107, 110-111. Thuesen's review of a report regarding Hillside High states that "[t]he school had no cafeteria and only one drinking fountain. In the school's two restrooms, the faucets lacked sinks and emptied into tin cans on the floor." *Greater Than Equal*, 63.

⁶⁰ Picott et al., "Survey," at 108. ** indicates rows with the notation "Miscellaneous ill-assorted supplies insufficient to run any experiment for the entire class."

students as part of their public school education. According to the Report, advanced academic courses, in addition to courses offering more “white collar” vocational skills, were more regularly provided in white schools than African-American schools.

Table D: Select Curricular Offerings at African-American and White High Schools in North Carolina, 1963-1964⁶¹


Course	Percentage of White Schools Offering (%)	Percentage of African-American Schools Offering (%)
Advanced algebra	54	13
Trigonometry	46	31
Sociology	57	79
Geography	66	38
Industrial arts	66	50
Trades and industries	29	42
Distributive education I	17	3
Spanish I	35	14
Latin I	38	4
French II	80	92
French III	16	11
Chorus and choir	53	68
Basic business	45	52
Typewriting II	87	69
Shorthand I	74	46
Shorthand II	28	6
Bookkeeping I	84	38
Business arithmetic	45	21
Office practice and management	35	15
Agriculture III	73	57
Agriculture IV	65	42
Home economics IV	13	22

⁶¹ Biennial Report, 1962-63/1963-64, pt. 1, 33, 57-58, cited in Thuesen, *Greater Than Equal*, Table 2.1. The number of schools offering these electives was compared to the total number of schools for each race that offered them through grade twelve. In 1963-64, there were 499 such schools for whites and 226 for African-Americans.

VI. Conclusions

As much as we might wish it otherwise, the sins of our past, as Shakespeare said, truly do live after us. For nearly 175 years the University of North Carolina was an outspoken, defiant symbol of white supremacy. Its leaders reinforced that message in many ways, including its admission policy, the treatment of African-American employees, and its support for a University culture that continually looked at African-Americans as inferior. The University walked arm-in-arm with the great political movements of white supremacy that swept North Carolina in the 19th and 20th centuries, and the University's white leaders, faculty and student body embraced Jim Crow and ardently fought meaningful forms of racial integration through the 1960s. UNC-CH's leadership carried the fight against integration into the early 1980s. Most recently, the University's leadership has made great improvements in its policies and practices and now is committed to improving and expanding student and faculty diversity on its campus. Regrettably, the past does not fade so quickly: old wounds are remembered, past injustices still felt and the effects of segregation still linger. Institutional cultures change slowly. The message sent by buildings and monuments that honor the white supremacist past remains.⁶²


Dr. David S. Cecelski


Date

⁶² See, e.g., Michael Muhammad Knight, Vice Online, "Facing the Legacy of Racism on UNC's Campus," January 29, 2015, accessed December 19, 2017, https://www.vice.com/en_us/article/xd5jbz/facing-the-legacy-of-racism-on-uncs-campus-456.

EXHIBIT

1

CURRICULUM VITAE: DAVID S. CECELSKI

Dr. David S. Cecelski

1. PERSONAL

Profession: independent scholar and writer

Born: 1 September 1960

Family: Wife, Dr. Laura Hanson, and two children, Vera and Guy

Home address: 1502 Bivins Street, Durham NC 27707

Telephone: (919) 270-3302

Email: cecelskid@earthlink.net

2. EDUCATION

Ed.D.	Harvard Graduate School of Education	1991
M.Ed.	Harvard Graduate School of Education	1986
B.A.	Duke University (majors in history and biology)	1982

3. VISITING PROFESSORSHIPS AND OTHER ACADEMIC EMPLOYMENT

2001-2002, 2003 (Fall), and 2007 (Fall)

Lehman Brady Visiting Joint Chair Professor in Documentary and American Studies, Duke University and the University of North Carolina at Chapel Hill

Awarded at three different times. Responsibilities: taught oral history seminars and gave a series of public lectures. Classes taught: "The Maritime South" and oral history courses that focused on traditional coastal life in the American South, social activism, the civil rights movement, and the veterans' experience after WWII, Korea, and Vietnam.

2000-2001

Whichard Distinguished Visiting Professor in the Humanities,
Department of History, East Carolina University, Greenville, N.C.

Responsibilities: taught a lecture class on the environmental history of the North Carolina coast and a research seminar on American slave narratives, as well as gave two public lectures.

1995 to 2000

Research Associate, Southern Oral History Program, University of North Carolina at Chapel Hill, Chapel Hill, N.C.

Responsibilities: conducted grant-funded oral history research projects and supervised a team of ten graduate students. The principal project was a large study of the World War II home front on the North Carolina coast. In addition, I conducted oral history interviews for "Listening to History," an overview of social and cultural change in North Carolina during the 20th century. I featured many of those interviews in my oral history column that was published in the Sunday edition of the *Raleigh News & Observer*.

1996-1997

Teaching Fellow, Duke University Center for Documentary Studies, Durham, NC

Responsibilities: taught upper-level oral history seminars on the civil rights movement and the environmental history of the North Carolina coast.

1991-1994

Research Fellow, Institute for Southern Studies, Durham, NC

Responsibilities: directed the Institute's board of directors and its publication *Southern Exposure*, conducted research and wrote my first book *Along Freedom Road*, and edited and wrote a variety of special projects, including (with Mary Lee Kerr) the first critical study of environmental dangers and worker abuse in the poultry slaughterhouse industry in the South, and (with Luz Guerra) a special issue of *Southern Exposure* on the connections between Central America and the American South.

1989-91

Teaching Fellow, Harvard College and Harvard Graduate School of Education

4. SELECTION OF RECENT PUBLIC LECTURES

"Love in the Archives: The Search for Abraham Galloway in America's Great Libraries," NC Center for the Advancement of Teaching, Ocracoke, N.C., October 24, 2015.

"The Maritime Underground Railroad, 1776-1865," University of Massachusetts-Dartmouth and

the New Bedford Whaling National Historic Site, July 28, 2015.

“An Eye for Mullet: Charles A. Farrell’s Photographs of the Brown’s Island Mullet Camp,” UNC Center for the Study of the American South, Chapel Hill, N.C., September 12, 2014.

“Abraham Galloway and the Writing of Southern History,” Western Carolina University Spring Literary Festival, Cullowhee, N.C., March 31, 2014.

“Galloway, Lincoln, and the Emancipation Proclamation,” Freedom and Emancipation Conference, Wake Forest University, Winston-Salem, N.C., October 18, 2013.

“Abraham Galloway and Race in America Today,” International Civil Rights Museum, Greensboro, N.C., May 3, 2013.

“Abraham Galloway and the Struggle for Freedom,” Dorothy Perry Thompson Lecture, Winthrop University, Rock Hill, S.C. Feb. 18, 2013.

“Music All Over the Ocean: The Last Days of the Menhaden Fishery in North Carolina,” University of North Carolina-Chapel Hill Folklore Program, Chapel Hill, N.C., February 11, 2013.

“Remembering Abraham Galloway,” St. Peter’s AME Zion Church, New Bern, N.C., February 3, 2013.

“The Fire of Freedom: Abraham Galloway and the Slaves’ Civil War,” National Archives, Washington, DC. December 19, 2013.

“The Fire of Freedom: Abraham Galloway and the Slaves’ Civil War,” New York Public Library, November 15, 2012.

“Freedom Stories: Abraham Galloway and the Civil War,” University of Wisconsin-Madison Ctr. for the Humanities, Madison, Wisconsin, November 8, 2012.

5. HONORS AND AWARDS

Christopher C. Crittenden Award, N.C. Literary & Historical Association, 2016

North Caroliniana Society, elected, 2015

Ragan Old North State Award, 2013

North Caroliniana Society Book Award, 2013

Mayflower Award for Non-fiction, N.C. Literary & Historical Association, 2002

North Carolina Wildlife Federation, Governor’s Achievement Award, 2002

Choice Outstanding Academic Title, 2002

Clarendon Cup, Lower Cape Fear Historical Society, 2001
 Herbert Paschal Award, East Carolina University, 2001
 North Carolina Writers Society, elected 2000
 Outstanding Book Award, Gustavis Myers Center for the Study of Human Rights, 1999
 Walter Hines Page Award for Literature, 1998
 Historical Society of North Carolina, elected 1995
Choice Outstanding Academic Book Award, 1995
 Critics' Choice Award, American Educational Studies Association, 1995
 Co-winner, History Book Award, 1995, North Carolina Society of Historians
 Robert D.W. Connor Award, 1994, Historical Society of North Carolina
 Rural Policy Fellowship, Aspen Institute for Policy Studies, 1988-1989
 Lyndhurst Prize (2-year invited fellowship), 1987-1989
 Chairman, Board of Directors, Institute for Southern Studies, elected 1986-1991
 Co-winner, National Magazine Award for Public Interest Journalism, 1988
 Editorial Board, *Harvard Educational Review*, elected 1986-88

PUBLICATIONS: DAVID S. CECELSKI

BOOKS

The Fire of Freedom: Abraham Galloway and the Slaves' Civil War (Chapel Hill: University of North Carolina Press, 2012).

The Waterman's Song: Slavery and Freedom in Maritime North Carolina (Chapel Hill: University of North Carolina Press, 2001).

A Historian's Coast: Adventures into the Tidewater Past (Winston-Salem, N.C.: John Blair, Publisher, 2000).

Co-editor (with Katherine Mellen Charron), *Recollections of My Slavery Days*, by William H. Singleton (Raleigh: North Carolina Department of Cultural Resources, Division of Archives and History, 1999).

Co-editor (with Timothy B. Tyson), *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy*. (Chapel Hill: University of North Carolina Press, 1998).

Along Freedom Road: Hyde County, North Carolina and the Fate of Black Schools in the South (Chapel Hill: University of North Carolina Press, 1994).

BOOKS-IN-PROGRESS

The Sea at Night: A Coastal Village and the Second World War (UNC Press, forthcoming.)

A World of Fisher Folks: The Coastal Photographs of Charles A. Ferrell (currently in negotiations with the University of North Carolina Press).

SPECIAL SERIES

NCFOOD. An on-line journal on traditional foods and cookery in North Carolina.

Published by the North Carolina Folklife Institute (www.ncfolk.org), Durham, N.C., 2007-2012. See Appendix C below for a full listing of the 200+ columns and short essays.

"Listening to History," in the "Sunday Journal" section of *The News and Observer* (Raleigh, N.C.). A monthly column of oral history stories focusing mainly on Eastern North Carolina. Published monthly, 1998-2008. See Appendix A below for a full listing of the articles.

"A Historian's Coast." *Coastwatch* magazine (published by the University of North Carolina Sea Grant Program, North Carolina State University, Raleigh, NC). A bi-monthly series of essays on the environmental history of coastal North Carolina, 1996- 2000. See Appendix B below for a full listing of the essays.

CURATED EXHIBITS

"'An Eye for Mullet': Charles A. Farrell's Photographs of the Brown's Island Mullet Camp, 1938," University of North Carolina Institute for the Study of the American South, Fall 2014.

ARTICLES, ESSAYS AND MISCELLANEOUS WRITINGS

"Of Time and the Sea: Nye's Clock Oil and the Bottlenose Dolphin Fishery at Hatteras Island, North Carolina, in the Early Twentieth Century," *North Carolina Historical Review* 92, no. 1 (January 2015), 49-79.

"'An Eye for Mullet': Charles A. Farrell's Photographs of the Brown's Island Mullet Camp, 1938," *Southern Cultures* 20, no. 3 (Fall 2014), 105-122.

- “‘The Voice of the Shipyard’: Arthur Miller in Wilmington, North Carolina, 1941,” *North Carolina Literary Review* #23 (Summer 2014), 48-59.
- “Remembering *The Currituck Sounder*,” *Carolina Comments* (N.C. Department of Cultural Resources, Division of Archives & History), 11 January 2013.
- “‘Music All Over the Ocean’: Voices from the Menhaden Industry’s Last Days,” *North Carolina Folklore Journal* 59, #1 (Spring/Summer 2012).
- “Shirley’s Garden,” pp. 60-63 in Elizabeth Woodman, ed., *27 Views of Durham: The Bull City in Prose and Poetry* (Hillsborough, N.C.: Eno Publishers, 2012).
- “Bogue Sound Watermelons,” *Edible Piedmont* (Summer 2012). Also republished in *Tar Heel Junior Historian* (fall 2013).
- “The Constant, Haunting Music of the Geese,” [on Rachel Carson at Lake Mattamuskeet] *North Carolina Literary Review* # 20 (summer 2011), 20-26.
- “Hugh MacRae at Invershiel” (co-written with Timothy B. Tyson), in “Worth 1,000 Words: Essays on the Photos of Hugh Morton,” *A View to Hugh: Processing the Hugh Morton Photographs and Films*, Chapel Hill: University of North Carolina at Chapel Hill Library, 30 May 2010.
- “The Lighthouse’s Last Keeper.” Originally a lecture at the 150th Anniversary Celebration of the Cape Lookout Lighthouse, Core Sound Waterfowl Museum and Heritage Center, 19 Oct. 2009. Published on-line by the Core Sound Waterfowl Museum at www.coresound.com.
- “After the Fire: Lessons from ‘African American Voices between Two Rivers,’” *Carolina Comments* [Raleigh: North Carolina Division of Archives and History], 23-28.
- “Love in the Archives: A Historian’s Journey through America’s Great Libraries,” *Journal for the Society of North Carolina Archivists*, (Fall 2009).
- “Playing Croquet until Dark: Voices from Portsmouth Island,” *North Carolina Folk Lore Journal* 55, # 2 (Fall/Winter 2008), 41-51.
- “In the Promised Land.” Personal essay. *The News and Observer* (Raleigh, N.C.), 14 September 2008, pp. 1D, 12D, 14D.
- “*The Life of the Late James Johnson: An American Slave Narrative from Oldham, England*” (co-written with Alex Christopher Meekins), *Carolina Comments* 56, #2 (July 2008), 108-113.

"Sonny Williamson and the Core Sound Sharpie." Originally a lecture at the Core Sound Workboat Symposium, Harkers Island, N.C., 1 March 2008, published on-line by the Core Sound Waterfowl Museum and Heritage Center at www.coresound.com.

"My Father's Library," *North Carolina Literary Review* 16, #1 (Spring 2007), 125-127.

"Abraham Galloway: Freedom Fighter," *The News & Observer* (Raleigh, N.C.), February 10, 2007, F1.

"Canals" (co-written with Bland Simpson), in William S. Powell, ed., *Encyclopedia of North Carolina History* (Chapel Hill: University of North Carolina Press, 2006), 167-168.

"Love, Death and Sweet Potato Biscuits," *North Carolina Literary Review* 15, #1 (spring 2006), 145-152.

"The Oyster Shucker's Song," in *Cornbread Nation 3: The Best of Southern Food Writing* (Chapel Hill: University of North Carolina Press, 2005), 180-187.

"Reflections on Ulrich Mack's *Inselmenchen-Island People*," *North Carolina Folk Life Journal* vol. 51, #2 (Fall/Winter 2004), 22-34.

"The Last Daughter of Davis Ridge," *Sea History* No. 98 (Autumn 2001), 14-18.

"'A Goodly Heritage': William Henry Singleton's Rediscovered Slave Narrative" (co-written with Katherine Mellen Charron), *Independent Weekly* (Durham, N.C.), March 22, 2000, 14-19.

"If You Could Hear What I Hear," *Carolina Alumni Review* 88, #4 (July/August 1999), 32-38.

"Abraham H. Galloway: Wilmington's Lost Prophet and the Rise of Black Radicalism in the American South," pp. 43-72 in David S. Cecelski and Timothy B. Tyson, eds., *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy* (Chapel Hill: University of North Carolina Press, 1998).

"Eddie McCoy's Struggle for Freedom," *Carolina Comments* 46, #2 (July 1998), 95-99.

"Oldest Living Confederate Chaplain Tells All? Or, James B. Avirett and the Rise and Fall of the Rich Lands," *Southern Cultures* 3, #4 (Winter 1997/98), 5-24.

"The Wild Plums at Core Creek; or, In Praise of Slow Cooking," *Carolina Comments* 45, #5 (September 1997), 121-129. Reprinted in a revised version in *The News & Observer*, November 23, 1997.

- "Ordinary Sin," *The Independent* (Durham, N.C.), March 19, 1997, pp. 11-15.
- "The Extremists among Us" (co-written with Steven Niven), *The Independent*, March 19, 1997, p. 12.
- "Burning Memories: finding long-buried records about the Ku Klux Klan in eastern Carolina makes it difficult to evade unwanted ghosts," *Southern Exposure* 24, #4 (Winter 1996), 19-24.
- "A World of Fisher Folk," *North Carolina Literary Review* 2, #2 (Summer 1995), 183-199.
- "The Home Front's Dispossessed," *Southern Exposure* 23, #2 (Summer 1995), 37-41.
- "Goshen's Land," *Southern Exposure* 23, #1 (Spring 1995), 3-4.
- "Moses Grandy: A Slave Waterman's Life, 1786-1835," *Tributaries* [N.C. Maritime History Council] 4, #1 (October 1994), 7-13.
- "The Slaves We Buried: Three Lost Slave Autobiographies from Coastal North Carolina," *Carolina Comments* 42, #4 (July 1994), 117-126.
- "Along Freedom Road," *Southern Exposure* 22, #2 (Summer 1994), 30-35.
- "Does Brown Still Matter?," *The Nation*, May 19, 1994.
- "The Shores of Freedom: The Maritime Underground Railroad in North Carolina, 1800-1861," *North Carolina Historical Review* 71, #2 (April 1994), 174-206.
- "The Hidden World of Mullet Camps: African-American Architecture on the North Carolina Coast," *North Carolina Historical Review* 70, #1 (January 1993), 1-13.
- "Hog Wild: The Dangers of Corporate Hog Farming" (co-written with Mary Lee Kerr), *Southern Exposure* 20, #3 (Fall 1992), 8-15. Reprinted in *The Independent Weekly*, November 7, 1992.
- "Shuckers and Peelers: 'Bohemian' Immigrant Workers in the Southern Seafood Industry, 1890-1920," *Southern Exposure* 20, #1 (Spring 1992), 61-63.
- "A Thousand Aspirations: [African Americans and the Federal Occupation of Coastal North Carolina during the Civil War]," *Southern Exposure* 18, #1 (Spring 1990), 22-25.
- Co-editor (with Luz Guerra), "Flowers in the Desert Die," special issue of *Southern*

Exposure 17, #2 (Spring 1987).

APPENDIX: A: "Listening to History," *The News & Observer* (Raleigh, NC), 1998 to 2008.

"Gretchen Brinson: A Born Nurse," June 14, 1998.
 "Rev. Vernon Tyson: Miss Amy's Witness," July 12, 1998.
 "Hattie Brown: A Freedom Story," August 9, 1998.
 "Odell Spain: My Way of Life," September 13, 1998.
 "Allen Troxler: Shirley's Garden," October 11, 1998.
 "Ray Wells: There's a Man for You," November 8, 1998.
 "Kenny Davis: It's Like Being at War," December 13, 1998.
 "Georgia Rae Dickinson: Like Waves on the Beach," January 10, 1999.
 "Betty Ballew: The Place I Love Best on this Earth," February 14, 1999.
 "Harry Kittner: A Candle is Lit," March 14, 1999.
 "Lois Epps Jones: Zan Epps' Daughter," April 11, 1999.
 "John McDonald: This Old Drugstore," May 9, 1999.
 "Willis Williams: Life and Death at Devils Gut," June 13, 1999.
 "Emma Crawford: A Good Life," July 11, 1999.
 "Leila Pigott: An Angry God," August 8, 1999.
 "Marta Galvez: We Can Outlast," September 12, 1999.
 "Ben Averitt: Doing It Right," October 10, 1999.
 "Mabel Williams: Standing up to the Klan," November 14, 1999.
 "David Harrell: A Rockyhock Christmas," December 12, 1999.
 "Denise Giles: A Hometown Hero," December 26, 1999.
 "Hazel Reece: A Quilter's Life," January 9, 2000.
 "Margaret Wicker: The Glen Coal Mine Disaster," February 13, 2000.
 "Case and Ellene Van Wyk: Flower Fields and Muck Fires," March 12, 2000.
 "Rev. David Forbes: The Birth of SNCC," April 9, 2000.
 "Otis Hardy: Stars in the Sky," May 14, 2000.
 "Charles Wales: Always a Little Music," June 11, 2000.
 "Horace Twiford: A 12 Gauge and a Mullet Net," July 9, 2000.
 "Adell McDowell: A Frightful Time," August 13, 2000.
 "Jim Ellis: Putting in Tobacco," September 10, 2000.
 "E.R. Mitchell: Backyard Barbecue," October 8, 2000.
 "Kenneth George: Cole's Pottery," November 12, 2000.
 "Madge Guthrie: One Clear Beautiful Night," December 10, 2000.
 "Dorcas E. Carter: The Great Fire of '22," January 14, 2001.
 "Dr. James Slade: People That Do Right," February 11, 2001.
 "James Applewhite: The Essences of Things," March 11, 2001.
 "Sheila Kingsbury-Burt: The Undercrust of Living Dust," April 13, 2001.
 "Mary Everett: The End of the Century Book Club," May 8, 2001.
 "Welton Lowry: The Spirit of Henry Berry Lowry," June 8, 2001.
 "Mary Lea Simpkins: The Yates Mill," July 8, 2001.

“Wesley Goodwin: Knitting and Hanging Net,” August 12, 2001.
 “Haley Kelley: Remembering Sugar Hill,” September 8, 2001.
 “Norman Perry: Redbone Hounds and Wood Pile Dogs,” October 14, 2001.
 “Elizabeth Ohree: Waiting is Hard,” November 11, 2001.
 “Joe Johnson: Denim Days in Erwin,” December 9, 2001.
 “Jan Applewhite: Theater of Dreams,” January 13, 2002.
 “Don Stith: The Smoke Eaters of Warrenton,” February 10, 2002.
 “Martha MacLeod: The Highland Scots,” March 10, 2002.
 “Gary Grant: A Boy Scout Jamboree to Remember,” April 14, 2002.
 “Robert Frost: This Tramp,” May 12, 2002.
 “Capt. Eugene W. Gore: The Smell of Money,” June 9, 2002.
 “David Yeomans: When the Booze Yacht ran Ashore,” July 14, 2002.
 “Bessie Mizell: We are all in this Together,” August 11, 2002.
 “Lila Edwards: Great-Granddaddy Sang Amazing Grace,” September 8, 2002.
 “Dennis Moody: Death is no Different,” October 13, 2002.
 “Carl Lamm: Glory Days of Country Music Radio,” November 10, 2002.
 “Elizabeth Sanderlin: Old-Fashioned People,” December 8, 2002.
 “Karen Bethea-Shields: In Joan Little’s Cell,” January 12, 2003.
 “Allan Gurganus: Telling the Story from Birth,” February 9, 2003.
 “Wilma Horton: All the Old Tent Show People,” March 9, 2003.
 “George Graham: Fried Shad on Blue Monday,” April 13, 2003.
 “Pota Vallas: A Greek Heart,” May 10, 2003.
 “Joe Lewis: “We weren’t Afraid,” June 8, 2003.
 “Ethel Blalock: The Primitive Baptists Endure,” July 13, 2003.
 “Loretta Gunter: Always a Family Beach,” August 10, 2003.
 “Rudolph Knight: History Right Here,” September 13, 2003.
 “Vernon Lee Creekmore: In Old Currituck,” October 11, 2003.
 “Marta Colson: Ililda’s Beauty Shop,” November 9, 2003.
 “Dan “D.T.” Dale: The Fears They Had,” December 14, 2003.
 “Joe Floyd: The Lightship *Relief*,” January 10, 2004.
 “Marvin Jones: Making a Day,” February 8, 2004.
 “Rachel Stotesbury: As Time Goes Along,” March 13, 2004.
 “Rene Whitney: So Many Blessings,” April 11, 2004.
 “Bunny Sanders: Serpents and Doves,” May 9, 2004.
 “Maceo Parker: These Kids are Fantastic,” June 13, 2004.
 “Maude Ballance: Ocracoke Cooking,” July 11, 2004.
 “Watts Auman: Peach Picking Time,” August 8, 2004.
 “Evelyn Zaytoun Farris: Love Stories,” September 12, 2004.
 “Ray Wyche: A Rainy Day Hangout,” October 10, 2004.
 “Myrtle Peele: Book Dreams,” November 14, 2004.
 “Eddie McCoy: “Write-Off Kids,” December 12, 2004.
 “Doc Borden: D-Day,” January 9, 2005.
 “James Everett Brown: The Most Comfort in the World,” February 13, 2005.
 “Annie Louise Wilkerson: A Life of My Own,” March 13, 2005.

“Judith Shaw: Railroad Street,” April 11, 2005.
 “Ardathy Spikes: Somewhere like DuPont,” May 8, 2005.
 “H.O. Golden: A Man’s Work,” June 12, 2005.
 “Kathleen Hanchey: The Pink Supper House,” July 9, 2005.
 “Edward Tie: A Second Life,” August 13, 2005.
 “Clarence Alston: It was 1919,” September 11, 2005.
 “Mary Cannady: At Dr. King’s House,” October 9, 2005.
 “Eppie Rhodes: The Home Front’s Dispossessed,” November 13, 2005.
 “Fred Lockamy: Sorrow Valley,” December 11, 2005.
 “Karl Fleming: Show Me Life,” January 8, 2006.
 “John McNeill, Sr.: A Dream World,” February 10, 2006.
 “Alice Eley Jones: Herring Fish,” March 12, 2006.
 “Alethea Williams-King: The Widow’s Mite,” April 8, 2006.
 “Karen Willis Amspacher: Harkers Island Ends Here,” May 14, 2006.
 “Mary White: A One Teacher School,” June 11, 2006.
 “William M. Hill: At the Mortar Box,” July 9, 2006.
 “Lennis Ipock: The Dead Ones,” August 13, 2006.
 “Lennie Christianson: Alligator River Life,” September 9, 2006.
 “Lovie Shelton: God Dealt Well with the Midwives,” October 8, 2006.
 “Ike Murray: Things that Last,” November 12, 2006.
 “Terry Shinn: High Rock,” December 10, 2006.
 “Tibbie Roberts: Free as the Marsh Ponies,” January 13, 2007.
 “Sallie Powell: Determined to Teach” February 11, 2007.
 “Mel A. Tomlinson: Rubber-Band Man,” March 11, 2007
 “Delia Perkins: The Waters Came Down,” April 8, 2007.
 “Sallie Powell: Mr. Dewitt’s Lake,” April 29, 2007.
 “Velma Coltain: The Wind was Howling,” May 13, 2007.
 “Dwight Burris and Ernie Foster: Old Drum,” June 10, 2007.
 “Marvin Tupper Jones: Pleasant Plains,” July 8, 2007.
 “Alfred Fisher: Bay River,” August 12, 2007.
 “Henry Ramsey, Jr.: My Own Love of the Blues,” September 9, 2007.
 “Nancy Grady Wilson: Making Something Good,” October 13, 2007.
 “Ann Johnson: This Woman’s War,” November 11, 2007.
 “Athenia Moses: Standing Up for the Things We Believed,” December 10, 2007.
 “Helen Hoggard: Salt Pork & Cracklings,” January 12, 2008.
 “Ammie Jenkins: Where the Cool Waters Run,” February 10, 2008.
 “Milton Styron: Born a Commercial Fisherman,” March 9, 2008.
 “Loraine Nelson: If the Threshers Spent the Night,” April 13, 2008.
 “Henry Johnson, Jr.: The Engelhard Café,” May 10, 2008.
 “Joyce Williams: Farm Days,” June 8, 2008.
 “Sonny Williamson: Ain’t Love Wonderful?” July 20, 2008.

APPENDIX B: "A Historian's Coast." *Coastwatch* magazine (published by the University of North Carolina Sea Grant Program, North Carolina State University). A bi-monthly series of essays on the environmental history of coastal North Carolina, 1996-2000.

"Goshen's Land," Nov./Dec. 2000, 27-32.

"The Lamb's Army," Sept./Oct. 2000, 28-29.

"The Book of Nature," July/Aug. 2000, 26-29.

"All Good Things," Jan./Feb. 1999, 28-30.

"Light and Air," Nov./Dec. 1998, 18-21.

"Nature Remembers," Sept./Oct. 1998, 24-27.

"Mis' Bashi and the Lady Doctor," July/Aug. 1998, 20-23.

"The Guano Gospel," May/June 1998, 20-23.

"Elliott Coues: A Naturalist at Fort Macon," Mar./Apr. 1998, 24-26.

"What the Governor Grew," Jan./Feb. 1998, 18-21.

"Small Miracles," Nov./Dec. 1997, 20-23.

"The Smoke and Ashes of Croatan," Sept./Oct. 1997, 12-17.

"Behind the Veil," July/Aug. 1997, 21-23.

"In the Great Alligator Swamp," May/June 1997, 19-21.

"Henry Ansell's Recollections of Knotts Island," Mar./Apr. 1997, 23-25.

"The Rise and Fall of the Rich Lands," Jan./Feb. 1997, 21-24.

"The Oyster Shucker's Song," Nov./Dec. 1996, 22-24.

"The Last Daughter of Davis Ridge," Sept./Oct. 1996, 18-19.

"The Schooner *Ogeechee* at Hatteras Island," July/Aug. 1996, 21-23.

"Rachel Carson at Bird Shoal," May/June 1996, 20-23.

"Where Late the Sweet Birds Sang," Mar./Apr. 1996, 20-23.

"Voyage of the Paper Canoe," Jan./Feb. 1996, 13-15.

APPENDIX C: NCFOOD. A blog on North Carolina food, history and folklore. Published by the North Carolina Folk Life Institute, Durham, N.C., 2007-2012.

"Muscadine Grape-Hull Pie and other Duplin County Delicacies" (Sept. 2007)

"Scallop Fritters & Lemon-Milk Pie" (Oct.). Republished in *The Ocracoke Observer*.

"Brunswick Stew" (Nov.)

"Sinigang Na Baboy" (Nov.)

"Roast Jumping Mullet (and Banana Pudding)" (Nov.)

"Persimmon Pudding" (Nov.)

"Irene's Collards and Corn Dumplings" (Dec.)

"Posole at La Vaquita" (Dec.)

"Kourambiethes at Holy Trinity" (Dec.)

"Christmas Fruitcake" (Dec.)

"The Best Dandoodle in the World" (Jan. 2008)

"Lacy Cornbread, Tomato Pudding & Boiled Peanuts," (Jan.)

"*Doenjang* and Fried Dill Pickles" (Jan.)

"Healing from the Land" (Jan.)

"The Needy and the Stranger" (Jan.)

"Resurrections: Venters Grill, Strickland Dail's and Holland's Shelter Creek" (Jan.)

"Check Hog Hash off the Bucket List" (Jan.)

"Miss Mogie's Molasses Gunger" (Feb.)

"Grand Asia Market" (Feb.)

"Ocracoke Oyster Pie" (19 Feb.) Re-published in *The Ocracoke Observer*.

"Greensboro Farmers Curb Market" (23 Feb.)

"The Full Circle Crab Company" (27 Feb.)

"Daddy's Stewed Conchs" (6 Mar.)

"Cake Lady, Watermelon Man and the Saw Mill Boys" (9 Mar.)

"Deep River" (21 Mar.)

"Blue Monday" (24 Mar.)

"The R.A. Fountain General Store & Internet Café" (30 Mar.)

"The Best Meal Ever" (3 Apr.)

“Madison County Farmers and Artisans Market” (7 Apr.)
 “Trail Magic” (8 Apr.)
 “South Estes Farmers Market” (15 Apr.)
 “The Sunshine Lavender Farm” (25 Apr.)
 “Chatham County Strawberry Fields” (8 May)
 “Currituck May Peas” (10 May)
 “Britt’s Donut Shop” (19 May)
 “Love at Hardee’s” (23 May)
 “Anathoth Community Garden (28 May)
 “New Bern/ What Your Mama Needs Today” (2 June)
 “Hills of Snow” (3 June)
 “Davidson’s Soda Shop” (15 June)
 “Ocracoke Blackberry Dumplings” (25 June)
 “Fayetteville Street Soul Food” (28 June)
 “Lumbie Homecoming/Cornbread and Collards Sandwiches” (Jeff Currie) (11 July)
 “Making an Oyster Knife” (20 July)
 “Bakersville” (20 July)
 “Moravian Chicken Pie” (1 Aug.)
 “Miss Jenny’s Fig Preserves” (19 Aug.)
 “Beatrice Mason’s Pickled Green Tomatoes” (1 Sept.)
 “Pear Preserves” (8 Sept.)
 “Tamales at the Buckhorn Flea Market” (5 Oct.)
 “Black Walnuts” (12 Oct.)
 “Rocky Mount Farmers Market” (12 Oct.)
 “Collards for Sale” (3 Nov.)
 “South Boulevard, Charlotte” (14 Nov.)
 “Thanksgiving Oyster Roast” (30 Nov.)
 “Pierogi at Saints Cyril and Methodius” (6 Dec.)

 “A Cornbread Elegy” (1 Jan. 2009)
 “Homage to a Red & White” (1 Jan.)
 “My Lord, Honey” (1 Jan.)
 “The Art of Making Oyster Fritters” (10 Jan.)
 “Cary’s Little India” (21 Feb.)
 “Gibsonville” (8 Apr.)
 “Mermaid Point” (10 Apr.)
 “Hot Pepper Vinegar, Oyster Stew & Cheese Biscuits” (13 Apr.)
 “Peggy O’Neal’s Fishcakes” (20 Apr.)
 “Lovick’s Café, Kinston” (28 Apr.)
 “At the Statesville Rotary Farmer’s Market” (5 May)
 “St. Nicholas Greek Festival, Wilmington” (18 May)
 “Eagle Island Produce & Seafood Market” (22 May)
 “Mulberry Season” (27 May)
 “Aunt Dot’s Squash Casserole” (12 June)

“The Class of ‘45” (29 June)
 “Bread of Heaven Bakery, Goldsboro” (6 July)
 “Cousin Eloise’s Sweet Pickles” (29 July)
 “Bogue Sound Watermelons” (29 July)
 “A Day Cooking Pig” (11 Aug.)
 “Moore Square Farmers Market, Raleigh” (20 Aug.)
 “Fresh Shrimp” (30 Aug.)
 “Muscadine Grape-hull Preserves” (1 Sept.)
 “Clambake, Beaufort” (14 Sept.)
 “Resettlement Café, Tillery” (29 Sept.)
 “Mill Bridge” (4 Oct.)
 “Fried Hard Crabs, North River” (12 Oct.)
 “Great Dismal Swamp” (19 Oct.)
 “Peanuts at the A&B Milling Company, Enfield” (26 Oct.)
 “Pan de Muerto” (1 Nov.)
 “Julia’s Talley House” (8 Nov.)
 “Tapatio Home Cooking—La Cuata” (16 Nov.)
 “US 701—La Mixteca and La Michoacana” (24 Nov.)
 “Picking up Pecans” (7 Dec.)
 “Mole de Guanajuato” (14 Dec.)
 “Hux Grocery, Rocky Mount” (20 Dec.)
 “Breaking Roe” (27 Dec.)

“Yoder’s Dutch Pantry” (4 Jan. 2010)
 “Rosca de Reyes” (6 Jan.)
 “Hunter’s Venison Stew” (20 Jan.)
 “Cue Shack, Greene County” (27 Jan.)
 “Stew Beef and Rutabagas with Corn Dumplings” (1 Feb.)
 “Rose Bay Oysters” (11 Feb.)
 “Shrove Tuesday Pancake Supper” (15 Feb.)
 “Fishmonger’s Elegy” (22 Feb.)
 “Fried Herring, Conetoe” (1 Mar.)
 “Bill’s Hot Dogs, Washington” (8 Mar.)
 “Al Baraka Market’s Almonds with Lemon” (15 Mar.)
 “Skin and Bones, Hookerton” (22 Mar.)
 “Last Oyster Roast” (29 Mar.)
 “Tamales Oaxaques, Lillington” (5 April)
 “Wash Tub Fish Stew” (12 April)
 “Paw Paw Pudding” (19 April)
 “Country Ham, Cove City” (26 April)
 “4-H Livestock Show & Auction, Ponzer” (2 May)
 “Soft Crabs, Far Creek” (2 May)
 “Sprigs of Fresh Basil, Greensboro” (11 May)
 “Coltrane’s Side of Town” (20 May)

“Irish Potatoes” (12 June)
 “Flower Blossom Pupusas” (28 June)
 “Biscuit and Blackberry Jam” (8 July)
 “Ridgeway Cantaloupe Festival” (17 July)
 “The Sanitary’s Hushpuppies” (24 July)
 “Tuesday Flea Market, Murphy” (9 Aug.)
 “Greasy Beans & Yellow-eyed Peas” (16 Aug.)
 “Cherokee Dinner, Stecoah” (23 Aug.)
 “Spicewood & Solomon’s Seal” (30 Aug.)
 “Loaves and Fishes” (6 Sept.)
 “Big T’s on a Saturday Night” (13 Sept.)
 “Brightleaf Flea Market” (20 Sept.)
 “Flour Burgers” (3 Oct.)
 “Pickled Corn on the Cob” (10 Oct.)
 “Homeland Creamery” (17 Oct.)
 “Oakwood BBQ” (25 Oct.)
 “Dried Mullet Roe” (2 Nov.)
 “Home Canned Tomatoes” (15 Nov.)
 “Pig’s Feet Supper” (17 Nov.)
 “Korner Kitchen” (29 Nov.)
 “Pintos and Cornbread” (1 Dec.)
 “Keaton’s” (7 Dec.)
 “Consome de Borrego” (13 Dec.)
 “Fried Sweet Potatoes” (21 Dec.)
 “Craven County Corn” (28 Dec.)

“Black-Eyed Peas & Hog Jowls” (3 Jan. 2011)
 “Huitlacoche” (11 Jan.)
 “Collard Kraut” (20 Jan.)
 “Bear Hunter’s Cornpone with Ramps” (31 Jan.)
 “Stewed Turnips” (1 Feb.)
 “Jeff & Lisa’s Brick House Grill” (9 Feb.)
 “Hoe Cakes” (15 Feb.)
 “Milton Tire Service and Grill” (21 Feb.)
 “Bailey, NC” (4 Mar.)
 “Hood Swamp” (7 Mar.)
 “Yellow Cabbage Collards” (14 Mar.)
 “Prison Farm Tomatoes” (21 Mar.)
 “Railroad Cafe, Eden” (28 Mar.)
 “Lenten Fish Fry” (4 Apr.)
 “The Skylight” (11 Apr.)
 “Livermush, Grits, & Eggs” (20 Apr.)
 “Jamesville Herring Festival” (25 Apr.)
 “North Asheville Tailgate Market” (2 May)

“Warren Wilson College Farm” (9 May)
 “Melvin Gales’ Produce Stand” (16 May)
 “Mi Molcajete” (23 May)
 “Mole de Olla” (30 May)
 “Griot et Ragoût” (6 June)
 “The Stockyard” (13 June)
 “La Rosa de Saron” (20 June)
 “Styron’s Fish House” (27 June)
 “Brenda Avery’s Preserves” (4 July)
 “Colington Island Crabs” (11 July)
 “Davis Shore Light Rolls” (18 July)
 “Wild Plums” (25 July)
 “Sweet Corn & Biscuit” (1 Aug.)
 “Saxapahaw General Store” (8 Aug.)
 “Ugawa” (15 Aug.)
 “Tomato Gravy” (22 Aug.)
 “West End Grill” (29 Aug.)
 “Kure Beach Fishing Pier” (6 Sept.)
 “Chicken & Dumplings” (13 Sept.)
 “Fresh Spots” (19 Sept.)
 “Ms. Alice’s Kitchen” (26 Sept.)
 “Spaghetti Supper” (3 Oct.)
 “Church Bazaar, Butner” (10 Oct.)
 “Old School Sorghum” (17 Oct.)
 “Salemberg’s Food Bank” (24 Oct.)
 “Cabin Branch Farm Market” (1 Nov.)
 “October Beans” (8 Nov.)
 “Pickled Hot Sausage” (14 Nov.)
 “Mac’s Air Dried Sausage” (29 Nov.)
 “Core Sound Clam Chowder with corn dumplings” (21 Nov.)
 “Miss Beadie’s Sweet Potato Biscuits” (4 Dec.)
 “Tamales & Atole” (13 Dec.)

“Fanta City” (5 Feb. 2012)
 “King of Turkey BBQ” (15 Feb.)
 “Pimento Cheese & Liver Pudding, Kernersville” (22 Feb.)
 “Pik-N-Pig, Carthage” (1 Mar.)
 “Holy Week Fanesca” (27 Mar.)
 “Bright Leaf Dogs” (20 June)
 “Fruta con Limon y Chile” (30 June)
 “Carolina Beach Farmers Market” (4 July)
 “Blue Crabs at Dusk” (5 July)
 “Pluck” (28 July)
 “Honor Box Produce” (28 July)

“Core Creek Crab Pot” (6 Aug.)
“Yana’s Peach Fritters” (29 Aug.)
“Hatteras Farewell” (3 Oct.)

EXHIBIT

14

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

STUDENTS FOR FAIR ADMISSIONS, INC.,	:	Case 1:14-cv-00954-LCB-JLW
Plaintiff,	:	
v.	:	
	:	
UNIVERSITY OF NORTH CAROLINA, et al.,	:	
Defendants.	:	

RESPONSE TO THE EXPERT REPORT OF RICHARD D. KAHLENBERG

BY MITCHELL J. CHANG, PH.D.
PROFESSOR OF EDUCATION – UNIVERSITY OF CALIFORNIA, LOS ANGELES

APRIL 6, 2018

CONTAINS CONFIDENTIAL INFORMATION SUBJECT TO PROTECTIVE ORDER

I. Introduction

Counsel for the University of North Carolina at Chapel Hill (“UNC-Chapel Hill”) asked me to respond to the *Expert Report of Richard D. Kahlenberg*. I read his report and offer my major concerns regarding some of his assumptions, claims, and conclusions.

It is my understanding that other expert witnesses engaged by UNC-Chapel Hill will respond to the *Expert Report of Peter S. Arcidiacono*, as well as Mr. Kahlenberg’s opinions regarding race-neutral admission policies and alternatives. I confine this response to the areas in which Mr. Kahlenberg’s report relate to my own expert witness report, particularly regarding the educational benefits of diversity.

In his report, Mr. Kahlenberg asserts that “there is extensive empirical evidence and academic research documenting the myriad (and innovative) ways in which colleges and universities such as UNC-Chapel Hill can use race-neutral alternatives to produce the educational benefits of diversity” (p. 5). He claims that UNC-Chapel Hill certainly could have considered and potentially adopted the “... numerous race-neutral alternatives available that have the potential to obtain the educational benefits of diversity...” (p. 21). Implicit in Mr. Kahlenberg’s report is that there are significant educational benefits that derive and flow from racial and ethnic diversity. Moreover, Mr. Kahlenberg does not dispute the research demonstrating the importance of these educational benefits.

Although Mr. Kahlenberg points to empirical research to support his claims and conclusions, including the *Expert Report of Peter S. Arcidiacono*, his discussion fails to consider seriously a larger body of research and current institutional practices. This oversight led him to:

- (1) largely dismiss UNC-Chapel Hill’s existing efforts to increase socioeconomic status (“SES”) diversity;
- (2) overstate the relationship between race and SES, and therefore overstate the educational benefits derived from SES diversity; and
- (3) understate the potential for and consequences of enrollment declines among African Americans and the impact on the educational outcomes that would result from such a decline.

Those key flaws in Mr. Kahlenberg’s report have pivotal implications and serve to negate his conclusion “... that there are race-neutral alternatives available

that could provide UNC with the educational benefits of diversity without the use of racial preferences” (p. 5).

II. Kahlenberg Dismisses UNC-Chapel Hill’s Programmatic Efforts and Initiatives that Promote SES Diversity

In Section V. of his report, Mr. Kahlenberg discusses other programmatic efforts and initiatives undertaken by UNC-Chapel Hill (pp. 36-65). He quickly dismisses these efforts and initiatives, suggesting that they are inadequate and are “missed opportunit[ies]” (p. 62). For example, he discusses favorably the *Carolina Student Transfer Excellence Program* (“C-STEP”), but subsequently indicates that its impact is more limited than similar programs at peer schools (pp. 61-62).

As noted extensively in my *Expert Report*, UNC-Chapel Hill's individual programmatic efforts and initiatives are part of a larger comprehensive multi-prong approach implemented by the University to obtain diversity in its fullest forms, including racial and SES diversity. This comprehensive approach is evident in dozens of initiatives and programs throughout the University, and are discussed and summarized at length in my *Expert Report* (see pp. 26-41). I concluded, based on my overall review of those initiatives and programs, that:

[I]t is my opinion that UNC-Chapel Hill provides, manages, and promotes a wide range of many different initiatives that, taken together, is an intentional and effective plan for actualizing the associated benefits from the diversity of its student body. Clearly, the University has not acted as a passive participant, but is making conscientious and deliberate efforts on all fronts to foster diversity through interactions between individuals and group, diversity-related events, and creating a welcoming and inclusive campus environment. Those efforts have ramped up over time and have improved the institution’s overall capacity to maximize the educational benefits from diversity, enriching learning experiences for students at UNC-Chapel Hill. (p. 26.)

Among those efforts, it is clear that UNC-Chapel Hill has initiatives that focus mainly on enhancing SES diversity among its student body. For instance, I noted, as does Mr. Kahlenberg, that C-STEP is one successful program aimed at increasing SES diversity by encouraging students to transfer from community colleges throughout North Carolina and attend UNC-Chapel Hill (p. 29). UNC-Chapel Hill also has the Carolina Covenant program, which, as noted in my *Expert*

Report, “is a program that provides low-income students with grants, scholarships, and work study opportunities so that they can graduate from UNC-Chapel Hill debt-free” (pp. 29-30). I additionally pointed to several other programs that support low income students at UNC-Chapel Hill, including the Carolina First Program (p. 31), and Thrive@Carolina (pp. 31-32). Taken together, these four programs, along with UNC-Chapel Hill’s overarching efforts, are specifically cultivating, fostering, and promoting SES diversity on campus as part of the University’s broader diversity approach. Mr. Kahlenberg's failure to fully investigate, evaluate and consider the full range of UNC-Chapel Hill's diversity efforts undermines his claim that the University ignores SES diversity and approaches diversity with a sole focus on race.

III. Kahlenberg Overstates the Relationship Between Race and SES

Mr. Kahlenberg claims that “... when socioeconomic affirmative action programs are constructed using a wide variety of variables ... they can produce substantial racial and ethnic diversity, because this wider array of socioeconomic factors better captures the economic impact of ongoing and past racial discrimination than does income (or race) alone” (p. 22). The underlying assumption is that admissions committees could achieve racial diversity in the accepted pool by using preferences for economically disadvantaged students because families of color tend to be more disadvantaged. Yet, Mr. Kahlenberg concedes in his analysis that alternatives focusing only on SES would have a negative impact on racial diversity, particularly among African Americans (*see, e.g.,* p. 70). The negative effect of these race-neutral alternatives focusing on SES will be further discussed in section four of this response.

Mr. Kahlenberg also argues that “The enhancement of socioeconomic diversity that flows from these plans is critical from an educational and legal perspective, because the educational benefits of diversity arise from the interchange of ideas and experiences with those from different financial circumstances just as surely as those from different racial backgrounds...” (p. 9). This claim, unlike the previous one, emphasizes the educational rather than the demographic relationship between SES and race. While socioeconomic diversity may well contribute to educational benefits, Mr. Kahlenberg failed to cite any empirical research or evidence to support his claim that SES diversity would yield similar educational benefits as racial diversity.

I have studied and written on issues of racial diversity for the past 25 years, attended dozens of conferences and workshops on the importance of diversity, and

followed the scholarship of others in this same area and cannot recall anyone claiming that racial diversity and SES diversity are not distinct but interchangeable.

Instead, the literature that I am aware of is rather clear that SES differences are not the same as racial differences. One fundamental distinction is that it is much more difficult for an undergraduate to disguise one's race than one's SES, making race much more visually and physically salient (Carbado & Gulati, 2013). This saliency has educational implications when it comes to having students interchange ideas and experiences. For example, one of my experimental studies (Antonio, Chang, Hakuta, Kenny, Levin, & Milem, 2004) varied the race (African American, White) of the research collaborator who participated in a small-group discussion with all White college students. The topic of the discussions concerned either child-labor practices or the death penalty and the collaborator followed a predetermined script. We found that the presence of an African American research collaborator generally led to greater perceived novelty of the collaborator's contributions to the group discussion and a greater level of integration of multiple perspectives as rated by the White participants. In other words, the saliency of race contributes to small-group discussions in unique ways that affected students' ratings of peers and enhanced their reasoning. In applying this finding to a classroom setting, it suggests that unlike in racially homogeneous class settings, the presence of African American students or instructor in a class that is enrolled predominantly by White students can elevate the educational impact of course discussion, especially for those White students.

My experimental study on small-group discussions is supported by the evidence collected by UNC-Chapel Hill. As noted by Regan Buchanan, a White female recent UNC-Chapel Hill graduate, cited in my *Expert Report* (p. 50): "Being around people who did not look like me at UNC-CH and hearing their experiences about racism ... opened my eyes to the way the world works and has dramatically changed the way I think about the world." And, as Mary Ann Smith Distinguished Professor Michael T. Crimmins explains (p. 54): "Students who are part of a diverse classroom setting receive many important benefits. For one, the students may get to know those around them, helping them to understand differing cultural backgrounds. They are also exposed to different points of view when a classroom is more diverse. It has also been my experience that diversity helps students to better understand difficult concepts by looking at the concept from a different direction or point-of-view."

Another critical difference between SES and race is that socioeconomic diversity does not contribute to the intellectual atmosphere in the same way as racial diversity because experiences based on different financial circumstance are qualitatively different than experiences based on race. Again, pointing to another one of my studies (Chang, Seltzer, & Kim, 2002), we examined students' opinions regarding the extent to which they believe that racial inequity is a pressing social problem that requires remedies such as affirmative action. Since racial prejudice and racism are pressing social issues, those subjects stand to be educationally relevant with a high probability of being raised during a student's undergraduate education. We found that accounting for students' mother's education as a proxy for socioeconomic status did not explain differences in opinion between underrepresented students (African American, Latino, and Native American) and their White and Asian American counterparts. In educational terms, socioeconomic diversity is not interchangeable with racial diversity when it comes to contributing to a diversity in opinions regarding certain educationally relevant topics.

In applying this finding to a classroom setting, it suggests that when a topic concerning racial inequality is addressed in a course, there will likely be greater variation in opinions and perspectives when the students enrolled in that class are more racially diverse than if they were more socioeconomically diverse. The Supreme Court has recognized that having a broader range of viewpoints collectively held by students provides an atmosphere that is conducive to speculation, experiment, and better equips them for civic engagement. This type of environment also aids in training future leaders by exposing them to ideas and cultural mores of students as diverse as the nation itself.

Indeed, I further discussed and summarized the academic literature of the educational benefits from racial and ethnic diversity in my report, including:

- enhanced learning outcomes (pp. 14-17);
- increased democratic outcomes—increased citizenship engagement, racial-cultural engagement, and tolerance for differences (pp. 17-18);
- a reduction of prejudice (pp. 18-19);
- increased satisfaction with the college experience (pp. 19-20);
- increased persistence to graduation (pp. 20-21);
- combatting tokenism (e.g., stereotype threat) and racial isolation (pp. 21-22); and
- increased material benefits and material outcomes (pp. 22-23).

Mr. Kahlenberg does not discuss these benefits and their correlation with SES diversity in any meaningful way in his report. Instead, Mr. Kahlenberg treats SES diversity as interchangeable and coextensive with racial and ethnic diversity even though the majority of the academic literature points out that SES and race are qualitatively different and those differences are educationally meaningful. He does not explain how, for example, focusing on SES diversity would help to achieve an educational setting that exposes students to the diverse ideas and mores of the peoples of our nation. He does not explain how SES diversity leads to a reduction of prejudice, combats tokenism, or increases satisfaction with college or persistence to graduation. His argument basically assumes that SES diversity would result in largely the same educational benefits provided by a multifaceted approach that includes both racial and SES diversity, without elaboration, discussion, or empirical evidence.

In short, Mr. Kahlenberg overstates the relationship between SES and race from both a demographic and educational standpoint. Those two constructs are not interchangeable and if UNC-Chapel Hill were to substitute SES for race in its admissions policy rather than consider both as it does now, it stands to compromise not only the racial diversity of the student body but also the educational benefits associated with racial diversity.

IV. Kahlenberg Understates the Potential for and Consequences of Enrollment Declines Among African Americans

Although Mr. Kahlenberg acknowledges the potential for declines in African American student matriculation if UNC-Chapel Hill were to abandon the consideration of race when admitting students, he understates the potential negative consequences for the University and for the educational benefits of diversity the University aims to achieve. He cites, for example, the results of a simulation (Model #3) from Professor Arcidiacono's *Expert Report*, which provides a bump to students from the most socioeconomically disadvantaged families. By its very terms, Arcidiacono's simulation yielded a decline in African American representation from 8.8% to 7.9%.¹ Kahlenberg subsequently asserts, that "A small decline in racial and ethnic diversity accompanied by a substantial increase in socioeconomic diversity constitutes a net increase [sic] the educational

¹ I have not independently verified the numbers and assumptions presented in Mr. Arcidiacono's simulations, and note the differences presented by Dr. Caroline Hoxby's simulations. However, I use the numbers Mr. Kahlenberg relies on to illustrate the problems in his analysis.

benefits of diversity...” (p. 44). This contention comes with no explanation; no reference to any support; and no grounding in anything but rank speculation.

Indeed, Mr. Kahlenberg’s suggestion that such a decline in African American representation would be “small” is way off the mark. When measured under the very numbers Kahlenberg relies on, and assuming that approximately 4300 freshmen enroll at UNC-Chapel Hill per year, the decline in the African American student enrollment from 8.8% to 7.9% of the total freshmen class would amount to a loss of about 38 African American students. Because such a decline would amount to a 10% loss of African American students, there is no way – especially for students who, by definition, are underrepresented, such a loss of African American students can fairly be called “small.” If the 7.9% rate were to hold steady for four years of admissions, Kahlenberg’s position would result in 152 fewer African American students than at an 8.8% rate over the same time frame.

Contrary to Kahlenberg's assertions, a 10% decline would not be trivial for African American students or the University as a whole. As consistently noted in witness declarations by African American males reported in my *Expert Report*, the already low numbers are stark and present difficult educational challenges:

Merrick Osborne, an African American male, 2016 UNC-Chapel Hill graduate (p. 71): “As a Black male, I faced many challenges at UNC-CH. Sometimes, in classes of 200 or more, I would be the only person of color or the only Black male. In fact, I dropped my business major because I felt ostracized. I distinctly remember not seeing anyone like me in the business school building on the days when I had classes there. As the only Black male in the classroom, I do not have the psychological safety of being supported by someone who shares my sentiments about society I wish I had had more minority peers who could walk through the experience with me.”

Jordan Peterkin, an African American male, 2017 UNC-Chapel Hill graduate (p. 71): “As the only Black member in many classes, I was often called out by professors based on my race for my perspective One professor in the business school had a class in which we discussed the market share of Walmart and how it appealed to lower socioeconomic people and Black and Hispanic people. He asked me to comment on behalf of these people. It was humiliating and alienating.”

Marty Davidson, an African American male, 2016 UNC-Chapel Hill graduate (p. 72): “Although I had a great overall experience at UNC-CH and benefited somewhat from the diversity on campus, I also experienced significant isolation and tokenism. In several of my classes, I was one of ten or fewer students—and sometimes even the only student—who was Black or a person of color. In a 200-person class, I could sometimes count the number of Blacks and Latinos on one hand.”

Kendall Luton, an African American male, current UNC-Chapel Hill student, class of 2018 (p. 72): “[T]here were several times when I was only one of two or three Black students in class. Whenever there was discussion in class about something happening in the Black community, people would ask or look to me for an explanation. There was an expectation that if I was a Black person in a predominantly White space, they would look to me to represent the entire Black community. I would not give into that and would not answer for the entire Black community ... being a Black male on campus still poses real challenges due to the low number of diverse students.”

A decline of even a small magnitude in the enrollment of African American students, who are already underrepresented in the student body, almost certainly would have a negative impact on campus climate and undermine the educational benefits that flow from racial diversity, to the detriment of the University. An even larger decline, as indicated by Dr. Hoxby’s simulations, would be even more devastating and extremely difficult to overcome. For example, on my campus, UCLA, the ban for considering race in admissions went into effect in 1998 and we immediately experienced a steep decline in the number of African American enrollees (Watanabe, 2016). The number of African American freshmen enrolled fell by nearly half from 264 in 1995 to 144 in 1998. In 2014, we exceeded 250 African American freshmen enrollees for the first time since 1995. Despite efforts to increase numbers and a significant growth in the total undergraduate enrollment, it still took us nearly two decades to reach the same level of African American freshmen enrollment as we had in 1995 before the ban on considering race in admissions. The slow and difficult recovery continues to be a major source of campus tension and frustration among our African American students (*see* Sy Stokes’ video: <https://www.youtube.com/watch?v=BEO3H5BOIFk>).

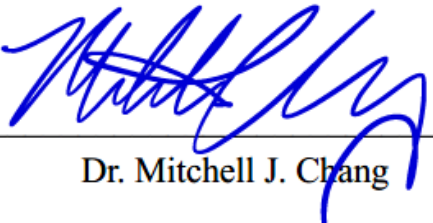
V. Conclusion

Mr. Kahlenberg goes to great length to show that increasing preferences in admission based on socioeconomic disadvantage would not undermine the racial diversity of the student body. He argues that “... the critical measure is the net impact on socioeconomic and racial diversity taken together” (p. 73). However, as discussed, Mr. Kahlenberg’s analysis is flawed, failing to fully consider UNC-Chapel Hill’s existing SES efforts, overstating the relationship between race and SES, including their associated educational benefits, and understating the potential impact and consequences of enrollment declines among African Americans in particular.

In looking at the educational benefits of diversity, accounting for the racial diversity of the student body independent of socioeconomic diversity in

considering those benefits is essential. Treating those two forms of diversity separately rather than conflating them, however, does not necessarily diminish UNC-Chapel Hill's capacity to also consider socioeconomic or other forms of diversity to enhance the overall "net impact" favored by Mr. Kahlenberg. As I concluded in my *Expert Report*, UNC-Chapel Hill has over time improved their overall capacity to maximize the educational benefits from diversity and enrich learning experiences for all students. This effort includes a wide range of many different programs and initiatives, including some key ones that take students' race into account. Because SES and race are qualitatively different and those differences are educationally meaningful, Mr. Kahlenberg's proposed race-neutral admissions plans that abandon race altogether will compromise not only the racial diversity of the student body but also the well documented educational benefits associated with racial diversity.

I reserve the right to amend or supplement my response and opinions. I affirm this response.


Dr. Mitchell J. Chang

4/6/18
Date

VI. References

antonio, A. L., Chang, M. J., Hakuta, K., Kenny, D. A., Levin, S., & Milem, J. F. (2004). Effects of racial diversity on complex thinking in college students. *Psychological Science*, 15(8), 507-510.

Carbado, D. and Gulati, M. (2013). *Acting white: Rethinking race in "post-racial" America*. New York , NY: Oxford University Press.

Chang, M. J., Seltzer, M., & Kim, J. (October 2002). *Diversity of opinions among entering college students: Does race matter?* Research paper presented at the National Academy of Education Annual Meeting, Toronto, Canada.

Watanabe, T. (2016, June 23). How UCLA is boosting campus diversity, despite the ban on affirmative action. *Los Angeles Times*, Retrieved April 5, 2018 from <http://www.latimes.com/local/california/la-me-ucla-diversity-20160620-snap-story.html>

EXHIBIT

15

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA,
et al.,

Defendants,

and

LUIS ACOSTA; CHRISTOPHER
JACKSON on behalf of C.J.; RAMONIA
JONES on behalf of R.J.; JULIA NIEVES on
behalf of I.N.; ANGIE & KEVIN MILLS on
behalf of Q.M.; LAURA ORNELAS;
CECILIA POLANCO; TAMIKA
WILLIAMS on behalf of A.J.; and STAR
WINGATE-BEY,

Defendant-Intervenors.

**DECLARATION OF
VALERIE NEWSOME HAYES**

Valerie Newsome Hayes, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Valerie Newsome Hayes, I am over 18 years of age, and I am fully competent to make this declaration.

2. I was a full-time undergraduate student at UNC-Chapel Hill during the period of 1981 – 1985. While at UNC, my major was Radio, Television and Motion Pictures.

3. I am African American.

4. My parents were not able to attend a four year college and I am the first generation of college graduates from a four year college.

5. UNC-Chapel Hill was my first choice of colleges to attend. I had considered some others schools in North Carolina and Virginia, but after visiting UNC I felt it was the best university for me. The two main reasons for me selecting UNC were the academic reputation of UNC and the feedback I received from former high school classmates who were attending UNC. Their feedback about their experiences on campus was both enlightening and somewhat concerning. The high school that we attended had a very diverse student population and I was “warned” that some of the classes at UNC were not very diverse. However, I was told there were opportunities to meet and connect with other students of color, specifically, other African American students. Additionally, each African American student I talked to mentioned Dean Renwick as a resource “to get to know” to be successful at UNC. Their reassurance about connecting with other African American students and their referral to Dean Renwick helped persuade me to select UNC over other schools, including HBCUs in the surrounding area.

6. My overall experience at UNC was very positive. I was challenged academically, I was exposed to different perspectives, I met new lifetime friends and I experienced a NCAA basketball championship! I was also able to meet several other African American students by connecting with my former high school classmates and intentionally getting involved with organizations that supported the African American student experience.

7. While the vast majority of my experience at UNC was very positive I did have some experiences that did cause me to pause and question my decision to attend UNC. I remember sitting in one class (I think it was a biology class) of about 300 students and scanning the room to see if there were any other students of color. I distinctly remember this as an odd feeling because I grew up in a military town where the schools and classrooms were very diverse and I never felt like “one of the only” students of color. I also remember one particular incident in which I witnessed a physical altercation between a White male student and an African American female student in which racial name calling took place. This incident was mentioned in the school newspaper and several African American students and a few White students (former high school classmates) reached out to me and provided support and encouragement. The case ended up in court and I had to testify. This was one example of some of the racial tension that was present on the campus during my time there.

8. UNC is not only an institute of higher academic learning, it is also a place where students grow as individuals. Part of that growth is exposure to new people with different perspectives. Just as the UNC experience focuses on enriching the whole student, the admissions process should continue to focus on the whole student as well. Considering race as a factor for admissions is a part of considering the whole student. Race is not just the color of a student's skin, it is a component of that student's experiences and perspective. That is why I am advocating that UNC continues to use race as one of the many factors in its holistic approach to reviewing student applicants.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29th day of May, 2017.

Valerie Newcome Hayes

EXHIBIT

16

**UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF NORTH CAROLINA**

STUDENTS FOR FAIR ADMISSIONS,
INC,

Plaintiff,

v.

THE UNIVERSITY OF NORTH
CAROLINA AT CHAPEL HILL, et al.,

Defendants.

Civil Action No. 1:14-cv-954-LCB-JLW

DECLARATION OF STAR WINGATE-BEY

Star Wingate-Bey, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Star Wingate-Bey, I am over 18 years of age, and I am fully competent to make this declaration.
2. I am a full-time undergraduate student at UNC-Chapel Hill. I am a rising senior and am pursuing a major in Communications and a minor in History.
3. I describe my race and/or ethnicity as Black and Moorish American.
4. I chose to attend UNC-Chapel Hill because of its amazing opportunities, academic and otherwise, and its affordable tuition. I always imagined myself going to UNC-Chapel Hill.

5. I believe my background enables me to offer unique perspectives and cultural experiences in my academic and campus activities. Every UNC student has a different set of experiences that make him or her unique, and contributions from all students are valuable.

6. I believe the benefits of racial or ethnic diversity play an important role in a number of academic and campus activities that affect my undergraduate experience, including lectures, seminars, residential life, student government, communities of faith, extracurricular activities and community service programs. In particular, I have been involved with Delta Sigma Pi and the Misconception Hip-Hop Dance Company as a club executive officer, the Star Heels Dance Company as a choreographer, and One Heart Source as a volunteer in South Africa. These activities benefit enormously from racial and ethnic diversity and by the membership of people from different backgrounds.

7. I currently experience academic and personal benefits from UNC-Chapel Hill's racially diverse student body. Learning about the racial and ethnic backgrounds of others has made me more knowledgeable, accepting, and understanding of people's histories and cultures. For example, in my participation in Carolina United – a week-long leadership retreat for incoming students – I was able to explore different religious, sexual, and racial identities with other students, and discuss social issues surrounding those identities. It was a week filled with self-discovery, diversity, inclusivity, and thought. Students went out of their way to learn about the things that make them different from each other and became more accepting as a result. It is a great program that shows how

important diversity is in every setting. Many people, myself included, describe the program as one of the best decisions they made at Carolina.

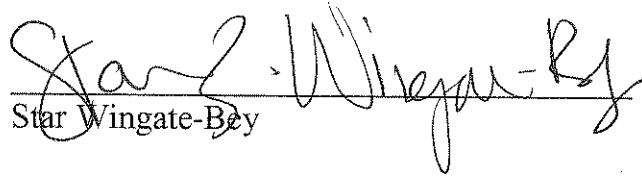
8. I believe my education would be harmed if UNC-Chapel Hill stopped considering race in its admission decisions. The current policy facilitates the admission of well-qualified Black students, which improves my educational experience by allowing me to learn alongside a greater number of Black students so that I do not feel singled out. If I am the only Black person or Black woman in a classroom setting it often feels like I have to be the fact checker for a conversation or the spokesperson for my entire race or gender. The policy likewise facilitates the admission of underrepresented minority students with racial or ethnic backgrounds different from my own and from whom I feel I learn from both inside and outside the classroom.

9. I want to learn and live alongside students who are each a part of a critical mass of their race/ethnicity. To facilitate that, I would like to see an increase in the number and diversity of underrepresented racial groups admitted to UNC-Chapel Hill. To have more diversity would allow for a better discussion of racial issues in an open and non-imposing way.

10. Though UNC-Chapel Hill tries to foster dialogue about racial and ethnic issues on campus through programs like Carolina United, I often feel like the administration is not focused on real action. For instance, when many students of color were attempting to have Saunders Hall, which is named after a UNC alumnus and member of the Ku Klux Klan, renamed, it was very clear from the administration's response to protestors that UNC-Chapel Hill would not entertain that action. One

member of the Board of Trustees told a student activist to “focus on something more important.” Such an attitude does not make students of color feel welcome on the campus. There are actions that UNC-Chapel Hill could take to make those students feel more a part of the community.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 22 day of June, 2015.


Star Wingate-Bey

EXHIBIT

17

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA,
et al.,

Defendants,

and

LUIS ACOSTA; ANDREW BRENNAN,
CHRISTOPHER JACKSON on behalf of
C.J.; RAMONIA JONES on behalf of R.J.;
JULIA NIEVES on behalf of I.N.; ANGIE &
KEVIN MILLS on behalf of Q.M.; LAURA
ORNELAS; CECILIA POLANCO;
TAMIKA WILLIAMS on behalf of A.J.;
and STAR WINGATEBEY

Defendant-Intervenors.

**DECLARATION OF
ADRIAN C. DOUGLASS, M.D.**

Adrian C. Douglass, M.D., pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Adrian C. Douglass, M.D. I am over 18 years of age, and I am fully competent to make this declaration.
2. I was a full-time undergraduate student at UNC-Chapel Hill during the period of 1979-1983. While at UNC, my major was Chemistry.
3. I am African-American.

4. My reasons for attending UNC-Chapel Hill were numerous, but its affordability and history of academic excellence were paramount to my decision. It was, and remains, a value to students because of its fair cost and the high quality of its education. Furthermore, it was a reasonable drive from my coastal home town of Elizabeth City. During my senior year of high school, I spent a weekend in Chapel Hill with an African-American freshman. After experiencing a taste of college life at UNC-Chapel Hill firsthand, I was enamored with the diverse student body of the South Campus and its strong atmosphere of comradery. It helped me develop a sense of belonging, and I was certain that I could achieve both social and academic success at Chapel Hill.

5. My years spent as an undergraduate at UNC were among the most delightful of my life, as they cultivated me to grow both as a young man and as a scholar. Although I had the opportunity to receive a world-class education, there was only a marginal presence of African-Americans on the North Campus where I resided. Incidentally, my demographic was underrepresented in my dormitory and classes. I combated my feelings of isolation by frequenting the South Campus area to visit my African-American friends and take part in cultural activities.

6. I also benefited from the academic support provided by the Minority Advisory Program, a service extended by successful minority upperclassmen to incoming minority freshmen.

7. Finally, I chose to join Kappa Alpha Psi Fraternity, Inc., a historically Black fraternity that served as a supportive organization during my tenure as an undergraduate. I successfully graduated in May of 1983 with a B.A. in Chemistry and was accepted into Chapel Hill's school of medicine. I eventually graduated with a Doctorate of Medicine.

8. I contend that my success at Chapel Hill directly correlated with the presence of the diverse academic environment.

[This section intentionally left blank]

//

//

//

//

//

//

//

//

//

//

[PLEASE KEEP THE BELOW SIGNATURE LINE ON A SEPARATE PAGE]

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 31st day of May, 2017.

Adam C. Daugherty, MD

[NAME]

EXHIBIT

18

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,)
INC.,)
)
Plaintiff,)
)
v.)
)
UNIVERSITY OF NORTH CAROLINA,)
et al.,)
)
Defendants,)
)
and)
)
LUIS ACOSTA; ANDREW BRENNAN,)
CHRISTOPHER JACKSON on behalf of)
C.J.; RAMONIA JONES on behalf of R.J.;)
JULIA NIEVES on behalf of I.N.; ANGIE &)
KEVIN MILLS on behalf of Q.M.; LAURA)
ORNELAS; CECILIA POLANCO;)
TAMIKA WILLIAMS on behalf of A.J.;)
and STAR WINGATEBEY)
)
)
Defendant-Intervenors.)
)
)

DECLARATION OF DIANDRA ANNA-KAY DWYER

Diandra Anna-Kay Dwyer, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Diandra Anna-Kay Dwyer, I am over 18 years of age, and I am fully competent to make this declaration.

2. I am a full-time undergraduate student at UNC-Chapel Hill. I am in my third year and am pursuing a major in Journalism and Mass Communication and a minor in Japanese.

3. I am black/Jamaican.

4. I am a first-generation college student and a part of a working class family. Without my full-ride, merit scholarship, it would be difficult or impossible for me to attend college.

5. I first heard about UNC when I was a junior in high school. It had an excellent reputation for academics. I was interested in Journalism, and the Journalism department at UNC was considered one of the best in the nation. UNC was also closer to my home than many schools of its caliber. I chose UNC because of these reasons, as well as its commitment to student diversity and the excellent scholarship award I was offered.

6. I have found the racial and ethnic diversity at UNC-Chapel Hill to be very enriching. The varying viewpoints and perspectives in class discussions helps us all to not be judgmental of each other and have deeper, fuller discussions; we understand that we all have different backgrounds. I also appreciate how the diversity of the student body helps lessen tokenization. Because there is such diversity of personal experience, classmates are more easily able to find strands of similarity to which they can relate, even if they come from different backgrounds.

Diversity makes my educational experience more valuable in every subject. Individually, we are each limited in our ability to understand any particular topic—the lens we view the world through limits the scope of learning available to each of us. When we approach a topic together, in all our diversity of experience, we gain a new context for learning the subject at hand. I know that I have been able to develop better, more complex frameworks for each subject I have learned by the interchange of different approaches. Without this diversity of understanding, my educational experience would not have been as rich or as rigorous.

I have also appreciated that during class discussions about race, discrimination, and privilege, I have regularly heard people of various ethnic backgrounds defending others (no matter if their backgrounds are the same or not) and speaking up against ideas that have historically oppressed people.

7. One night I was walking on Franklin Street, in downtown Chapel Hill, right off the UNC-Chapel Hill campus. Franklin Street was closed to traffic in that area, so people were walking in the street and across it as is common. There was a group of three Black women crossing Franklin Street near a crosswalk. I saw a white police officer grab one of the women and physically push her into the crosswalk in what seemed to be an angry outburst. I was shocked to see the police officer put his hands on this woman for no apparent reason. I knew that I looked like the women in that group, and I felt that the police officer would have felt as free to push me. This experience shook me, and I still remember it. At the same time, I did not feel that my reaction to this experience was one

that most people on campus would understand. The experience was particularized to me as a woman of color, and specifically a black woman.

8. I am from Jamaica, and there are not too many Caribbean students on the UNC campus. I have been involved in the creation of a Caribbean Students Association, open to all, in order to further understanding and cultural exchange and awareness of issues specific to Caribbean students.

9. I have been very proud of UNC and the open-mindedness of its student body in my time here. In my experience, individuals are much more likely to make insensitive remarks online. In particular, I have seen insensitive responses to concerns raised by students of color about the statute of the confederate soldier "Silent Sam" and an incident on campus when trucks flying confederate flags drove around campus. I saw online questioning of Black student's pain and anger about these issues, comments about Black students overreacting and needing to, in effect, get over it. Those comments revealed a gap between different students' understanding of racism and its effects on the student body.

Adding to this tension is the lack of definitive responses on the part of the administration. Although UNC-Chapel Hill has undergone recurrent bouts of conversation about issues of race, the administration has continually stopped short of taking a stand against racism. This leaves students of color wondering why not? Is the Administration afraid of making such statements and why?

Although UNC has discussed and continues to discuss race on campus, there has yet to be an institutional resolution of the current debates.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 9th day of May, 2017.

Diandra Anna-Kay Dwyer
Diandra Anna-kay Dwyer

EXHIBIT

19

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA,
et al.,

Defendants,

and

LUIS ACOSTA; CHRISTOPHER
JACKSON on behalf of C.J.; RAMONIA
JONES on behalf of R.J.; JULIA NIEVES on
behalf of I.N.; ANGIE & KEVIN MILLS on
behalf of Q.M.; LAURA ORNELAS;
CECILIA POLANCO; TAMIKA
WILLIAMS on behalf of A.J.; and STAR
WINGATE-BEY,

Defendant-Intervenors.

DECLARATION OF
ALAN C. FRAZIER

Alan C. Frazier, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Alan C. Frazier, I am over 18 years of age, and I am fully competent to make this declaration.

2. I was a full-time undergraduate student at UNC-Chapel Hill during the period of August 1980 through June 1984. While at UNC, my major was business administration with a concentration in accounting.

3. I am African American (Black), and my parents were not able to attend a four-year college and my family was working class of middle income. I was the first person in my immediate family household to attend a four-year college. I chose UNC-Chapel Hill based on its academic reputation, outstanding athletic programs, cost, and proximity to home. The student body diversity was an important factor in my decision to attend UNC-Chapel Hill and I had received favorable reviews from a cousin who was familiar with UNC.

4. UNC-Chapel Hill afforded me many superb opportunities as a student of color. At UNC-Chapel Hill, while in the minority of the student population ethnically, the number of minority students during my freshmen year was large enough to provide a sense of belonging. That sense of belonging along with the diversity of other students from around the world provided a great experience and has provided me with the confidence and awareness to have a great career in finance and banking.

5. Overall, I did not feel isolated or experience substantial negative effects from there being too few African American students. However, as a business and accounting major, there was a noticeable paucity of Black students in the upper level business and accounting classes.

6. During some of my accounting classes, I felt African Americans were under represented; and, I don't recall any Black professors in the business school during my undergraduate studies. Despite the low number of African Americans in the business school, I felt confident and a sense of belonging. I made friendships with the few African Americans in the business school as well as many of the other students within my major.

7. I don't recall any significant racial issues on campus nor in the Chapel Hill – Carrboro community while I was a student. Although, racial discrimination and inequality was often in the forefront of the National conversation in America, I did not personally experience any direct and overt racial discrimination. The director of minority admissions during my time at UNC-CH was outstanding and did a magnificent job in keeping African American students grounded and informed of what we needed to do to be successful at UNC.

8. My dealings with UNC-CH since my graduation have been respectful and positive.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 2 day of June, 2017.

A handwritten signature in cursive script, reading "Alan C. Frazier", is written over a horizontal line.

Alan C. Frazier

EXHIBIT

20

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,)
INC.,)
)
Plaintiff,)
)
v.)
)
UNIVERSITY OF NORTH CAROLINA,)
et al.,)
)
Defendants,)
)
and)
)
LUIS ACOSTA; ANDREW BRENNAN,)
CHRISTOPHER JACKSON on behalf of)
C.J.; RAMONIA JONES on behalf of R.J.;)
JULIA NIEVES on behalf of I.N.; ANGIE &)
KEVIN MILLS on behalf of Q.M.; LAURA)
ORNELAS; CECILIA POLANCO;)
TAMIKA WILLIAMS on behalf of A.J.;)
and STAR WINGATEBEY)
)
Defendant-Intervenors.)
)

DECLARATION OF MARIA GOMEZ FLORES

Maria Gomez Flores, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Maria Gomez Flores, I am over 18 years of age, and I am fully competent to make this declaration.

2. I am a full-time undergraduate student at UNC-Chapel Hill. I am in my 4th year and am pursuing a major in Political Science and a minor in History and Latina/o Studies.

3. I am Latina. I am a first generation college student and come from a working class family.

4. I chose UNC-Chapel Hill because I knew that it was a university with a good name and reputation. I knew that this university had the ability to provide me with resources to fully reach my career goals. I also decided on this school because I was under the impression that it was diverse. Unfortunately, that is not the case. It is diverse relative to other universities like Duke or NC State, but, for someone that comes from Siler City, a city with over 50% are people of color, I was really disappointed to find out that UNC-Chapel Hill is not as diverse as I would have hoped or expected.

5. Although UNC-Chapel Hill lacks diversity, I still had some good experiences with the resources it provides. I finally felt at home when I joined Latinx based organizations on campus, like the Carolina Hispanic Association, Carolina Latina/o Collaborative, and NC Sli. These organizations are very important to my happiness at UNC. I liked how they would have events that cater to the culture I grew up in, from food to celebrations. These organizations were also very important to finding my friends on campus. By no means are the Latinx organizations exclusive, therefore, I got to experience sharing my culture with other people with different backgrounds. In return, I also enjoyed engaging in other cultures and going to events held by other organizations.

In my opinion, I feel like the communities of color on UNC-Chapel Hill are very tight knit. This might be because we are such a small group on campus, but we try to make the best out of what we have.

6. Due to the many diverse groups on campus, in terms that there are many people with different backgrounds, I have learned more about them and being exposed to them, have broken down some stereotypes that I had. I believe that if the university lacked significantly more, in terms of diversity, I would have been closed- minded. However, this just shows that with more diversity the student population will become more knowledgeable and culturally competent.

7. Due to lack of sufficient diversity at UNC, I have had negative experiences that go all the way back to freshman year. In my English 105 class there was a class discussion about Silent Sam. Although I was not the only minority in that class, there were no black students. I was also the only one that was willing to go against the white majority opinion. I felt like I had to speak up for a community I did not belong to. This debate encompasses blackness at UNC-Chapel Hill, but I am not black. Although I do not regret defending the black community, it made me feel the divide between the school and myself. I felt “othered”. It made me realize that I will never fully fit into this school. Another experience was when I was taking my Micro 251 course. The professor used a racist analogy. In order to help us understand the types of organism that invaded a cell, she used Mexico and Canada as a way to represent it. She described the good organisms as Canadian immigrants; they come into the US and then just leave. However, the bad

organism invades the cell and hurts it without ever leaving the cell. She compared this organism to Mexican immigrants. I was very appalled with this professor to the point that it made me just dislike hearing her voice. It made me stop coming to class, and obviously, it hurt my grade. I have also been in classrooms where I was the only student of color and the environment was not good for me. I felt pressured to speak up for my community, as if I was the sole spokesperson. Another interesting thing is that when I would do group projects where I was the only person of color, I felt excluded. I felt like the other students believed that I was not capable of intellectual discussion. Therefore they would not ask for my input, and when I did give it, they would be very dismissive with me. When there are too few students of color in a classroom setting, it is very noticeable. Students of color feel excluded and “othered”. This puts stress on us and it affects us mentally. This can lead to anxiety, depression, and other mental health conditions, which can result in us performing worse. I could go on and on, but these are some of the few situations that I have experienced.

8. I feel very underrepresented at UNC-Chapel Hill at all times. I am very aware that UNC lacks diversity. My major is dominated not only by whites, but specifically white males. There is a weird power dynamic when it comes to class discussion. White people do not seem to understand that they can learn from students of color. When students of color start to participate, the white students become disengaged. It is a horrible feeling, because no one wants to feel less than they are. It is not only students, but professors as well, that lack in diversity. In the political science department,

there has never been a tenured professor that is non-white. A couple of political science professors that were black applied for tenure, but I have not been fully updated on it yet. I do know that one of them was my professor. Unfortunately, she did not get approved, so she decided to leave the university.

9. I also felt tokenized at times when the class discussion would lead to race. I was asked to speak up for many communities of color. I have not felt tokenized in extracurriculars, because I refuse to engage in organizations that disregard students of color. Unfortunately, it has hindered my right to fully engage in my university. Although I did decide to not be a part of a white-dominated organization, I would have liked to have been a part, due to the opportunities it could have provided. I decided however that I would rather not put myself in a potentially damaging or hostile environment.

10. The UNC administration does not handle racial issues in an effective way. The university seems to prioritize the white students and the universities' self-interest. During a Silent Sam rally, the campus police decided to protect KKK supporters instead of their black *students*. These KKK supporters were outsiders—not even part of campus, but they were still protected. The university would rather protect a terrorist group than their own students that pay tuition, just because of the color of their skin. Also, the name change of one of the campus buildings was handled very sloppily. Saunders Hall needed a name change because the person it was named after was a KKK leader. The university only changed the name because of student pressure. In order to protect its self-interest,

the university changed the name but refused to allow any other building to get a name change during the next approximately 16 years.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 1st day of June, 2017.



Maria Gomez Flores

EXHIBIT

21

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA,
et al.,

Defendants,

and

LUIS ACOSTA; CHRISTOPHER
JACKSON on behalf of C.J.; RAMONIA
JONES on behalf of R.J.; JULIA NIEVES on
behalf of I.N.; ANGIE & KEVIN MILLS on
behalf of Q.M.; LAURA ORNELAS;
CECILIA POLANCO; TAMIKA
WILLIAMS on behalf of A.J.; and STAR
WINGATE-BEY,

Defendant-Intervenors.

**DECLARATION OF
SHATIFA SEARLES**

Shatifa Searles, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Shatifa Searles, I am over 18 years of age, and I am fully competent to make this declaration.

2. I was a full-time undergraduate student at UNC-Chapel Hill during the period of 1999 - 2003. While at UNC, my major was anthropology.

3. I am African American.

4. I had many offers from other colleges to participate athletically, but I chose UNC-Chapel Hill because of its academic reputation.

5. UNC-Chapel Hill was the first time I was away from my community, family, social settings, etc. Having other members of my minority present was very important. Unlike most, both of my parents were deceased, so it was rare for family to visit me. It was therefore important for me to interact with those that I could identify with racially/ethnically. As stated above, I was an anthropology major at UNC – Chapel Hill and it was always odd that though I studied and was taught to accept many other cultures, disciplines, religions, etc, mine still felt to be “less than.” It was quite obvious that the main reason for this was African Americans were underrepresented. All my classes studied other races, ethnicities, cultures, but not African Americans. So the thoughts, conclusions, and ideologies around/about African Americans were widely based on stereotypes and falsehoods. I was proud to represent my race not only for other African Americans but for every other student that attended UNC-Chapel Hill. So it is not just about the “black experience” for “black students” but the diverse experience for us ALL.

6. I was told many times by white students that didn’t know my name, let alone my credentials, that their friend was unable to attend because I got in through affirmative action. I was asked often if I was an athlete. During a race class I heard some of the most racist comments from my white classmates that I have ever heard in my life. Among them: “When I see black students I think they are here to play a sport,” “Most black students are here because of affirmative action,” and the best from an Asian student “My dad would be fine with me dating an American but not a black”

7. Yes, it was like a cold war..... being watched, being perceived before one word was spoken, being judged, tried, and sentenced just for showing up.

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 30 day of May, 2017.

Shirley Sealb

EXHIBIT

22

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,)
INC.,)
)
Plaintiff,)
)
v.)
)
UNIVERSITY OF NORTH CAROLINA,)
et al.,)
)
Defendants,)
)
And)
)
LUIS ACOSTA; CHRISTOPHER)
JACKSON on behalf of C.J.; RAMONIA)
JONES on behalf of R.J.; JULIA NIEVES on)
behalf of I.N.; ANGIE & KEVIN MILLS on)
behalf of Q.M.; LAURA ORNELAS;)
CECILIA POLANCO; TAMIKA)
WILLIAMS on behalf of A.J.; and STAR)
WINGATE-BEY)
)
Defendant-Intervenors.)
)

DECLARATION OF
RIMEL MWAMBA

Rimel Mwamba, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Rimel Mwamba. I am over 18 years of age, and I am fully competent to make this declaration.
2. I am a full-time undergraduate student at UNC-Chapel Hill. I just completed my 3rd year and am pursuing a major in Global Studies and a minor in Chemistry.
3. I am African.

4. I went to a diverse but segregated high school. I went to Spring Valley High in Columbia, South Carolina. I was in the Discovery Magnet Program where I was one of four Black people in a program of 230. My classmates were predominantly White and Asian.

5. I chose to attend UNC-Chapel Hill because of its academic reputation and cost.

6. Being a student of color at UNC-Chapel Hill, I have had hard and complex conversations with my fellow students in which we challenge each other's views and beliefs. It has allowed for differences in opinions to be explored. Having other students of color on campus has allowed for me to have the mental support to continue in my challenging education. I find that in there being a small black population we have been able to be a strong support network for one another.

7. I have had instances in which white students have been shocked to see me do well in classes and have made comments regarding the stereotypes of black or African people. For example, I tutored for my Chemistry I and Biology classes and have been told that I'm "smart for a black person." Though irritating, I find that I provided these individuals with an example of being a smart person not necessarily on "black" standards.

8. There have been multiple incidents in which I have had to be a "teacher" as a student. In discussing issues of humanitarian aid and the role of U.S. institutions, for instance, I have always been singled out to speak for "the Africans." In issues regarding the prison system I have been singled out by white students to speak for the "black experience." This places a large burden on me because it has put me in a position in which it is me against an entire class. I often feel defensive because I do not want these views to continue so I always engage but it is not without consequence. I have had to stand up for what appears to be an entire race by myself. When I am silent, I feel as if I am betraying the people who have fought for my "right" to be

here. If I always fight, I feel as though my stability (mental and academic) suffers. In the African/ African American Diaspora Studies class I took there was a majority of black students, but in my other Global Studies class I was one of five black students in the class of approximately 35-40 students.

9. Students of color are underrepresented in my major and minor fields of study. I am currently completing an honor's thesis in global studies and I am the only student of color doing so. The Global Studies department, , has a lot of liberal individuals who always discuss race, sex, but I often feel excluded from the discussion because their point of reference does not recognize the many different experiences faced by black students. I often feel inhibited in expressing myself in these classes because of my concern that some of the white students, whether "conservative" or "liberal," might question my life experiences as a black student.. In my chemistry and other science classes I am often the only black student in the classroom. I constantly wonder whether if I do poorly it will reflect only on me or on black people in general. It is sometimes difficult to be in such classes as a black student. Social events will be occurring outside in society and everyone else in class can focus on how molecules interact while I sit wondering if a gunman at another university outside North Carolina will keep his word in shooting all black students. I sometimes wonder if I should have a child since there's a 50/50 it may be a boy who may get shot. It is only with other black people that I can raise these issues and concerns and be understood – have true sympathy and empathy. I was told by a fellow student that I was only a Robertson Scholar and had only been admitted into UNC from out-of-state because I was black. All of my achievements were discredited due to this white student's belief that blacks were quite simply inferior to whites. He told me that I was only smart compared to other black students but not to the general student population. He had obviously

never been exposed to a person of color who is high achieving. I ended up helping him write essays in our shared English class. . I wear my hair naturally (in an Afro) and I have had comments made to me about it being “unprofessional”, “sloppy”, “dirty”. The students who commented may have never been exposed to black hair care or black people.

In 2015, some students at UNC advertised on social media that they had created a “white student union” in response to the “black student union.” When I confronted student supporters of the “white student union,” via social media, they stated that “black people always got away with things – black privilege.” To me this shows a lack of understanding of the history of discrimination. I wished that the UNC administration would have made a statement about the white student union! . We rely and depend on a system that has previously used race to deny us a livelihood. . , The UNC’s administration includes our pictures in UNC brochures to promote diversity but they could do more to support us – such as promoting, maybe even requiring, student participation in guided discussions regarding race relations on campus..

10. Shortly after the election of Donald Trump, a white fraternity member told me “my president says it is okay to kick out the niggers.” After the election, some students on campus have been much more open about their racist views. I went out with my friends one night in the Fall of 2015, for instance, and was told by a white fraternity brother that “no slaves” were allowed in the house. I found it particularly ironic, though, that they were blasting music made by “slaves.”

11. One specific action the UNC administration could do to encourage more actual enrollment by students of color who have been accepted, would be to bring in accepted students of color in the spring to expose them to college life and other points of contact with students of color already at UNC. Duke has a similar program for black students who have been admitted..

I am not sure if such a program already exists at UNC. At least I have never heard of it on campus. Such a UNC program would help show that UNC cares about students and not just numbers. I understand that UNC has minority mentor programs but they are not well advertised and not well known to many students of color I have spoken with.. The UNC administration should also invest more time and resources into bringing in more speakers of color onto campus.

12. Finally, I have had only one black professor at UNC, in my Swahili class. The fact that UNC wants to increase black students but does not seem to place similar efforts on recruitment of faculty is odd. We need professors who come from diverse racial and ethnic backgrounds and better understand the struggles we experience on campus and in life in general. We need white students to be taught by equally brilliant Black, Muslim, Indian, Gay, etc. professors so they will see the knowledge that resides in our heads.

[This Section Intentionally Left Blank]

//

//

//

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 4 day of May, 2017.

A handwritten signature in black ink, appearing to be 'Rimel Mwamba', written over a horizontal line.

Rimel Mwamba

EXHIBIT

23

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA,
et al.,

Defendants,

and

LUIS ACOSTA; ANDREW BRENNAN,
CHRISTOPHER JACKSON on behalf of
C.J.; RAMONIA JONES on behalf of R.J.;
JULIA NIEVES on behalf of I.N.; ANGIE &
KEVIN MILLS on behalf of Q.M.; LAURA
ORNELAS; CECILIA POLANCO;
TAMIKA WILLIAMS on behalf of A.J.;
and STAR WINGATE-BEY

Defendant-Intervenors.

**DECLARATION OF
PAMELA PHIFER WHITE**

Pamela Phifer White, pursuant to 28 U.S.C. § 1746, declares the following:

1. My name is Pamela Phifer White. I am over 18 years of age, and I am fully competent to make this declaration.
2. I was a full-time undergraduate student at UNC-Chapel Hill during the period of 1981-1985. While at UNC, my major was Radio, Television and Motion Pictures (RTVMP).
3. I am African-American.

4. My father received a college degree from a four year college. My mother did not.

5. Several factors weighed into my decision to attend UNC-Chapel Hill. Although I was aware of the universities' status as a school of excellence and high achievement, it was secondary to the pride I felt in having 3 uncles who previously attend. Representing their perspective classes of '63, '68 and '72, my uncles were deep sources of inspiration as they shared stories of courage and determination to stay and graduate from Carolina during a very ugly of race relations in North Carolina and the United States.

6. Community! Community is the word that quickly comes to mind when I recall my matriculation at UNC-Chapel Hill, especially within the class ranks of other African-American (blacks) students. In addition, I felt our cultural and social organizations were fairly supported by the school's administration (i.e., space accommodations, courses of the African-American Studies). While there were still many demands for improvements, we were the rich benefactors of the many struggles and protests preceding our enrollment, which indeed paved the way for the tight-knit community I enjoyed in the early/mid 80's.

7. I cannot go very many places and not enjoy the benefits of being a UNC-Chapel Hill graduate. Having had such a great experience is only further enhanced by the number of relationships maintained with other black alumni and the afforded opportunities as a result.

8. Although I never felt personally singled out as the total sum cry of the black voice or experience on campus, I would say I was still uniquely aware of the negative stereotypes in UNC-Chapel Hill's majority white environment. Doing my best to avoid such negative stereotypes, I still had to dealt with the occasional existence of covert racism, racial bias and labels. As an incoming freshman, I was only 17 years removed from the landmark Civil Rights Act of 1964, and I recognized (as I believed most of my black peers do too) my role as a legacy

student charged with carrying the torch forward for the black alumni trailblazers who broke through tough racial barriers for my sake. There were indeed opportunities to feel isolated, but the close community of Black UNC (BSM, Opeyo Dance Troupe, Greeks) provided a safe haven for me.

9. There was no way around being, or sometimes feeling, underrepresented at UNC-CH as a student of color in any classroom setting or major/area of study. Black students in the mid-80s made up about 8% of the undergraduate and graduate enrollment (about 1, 400 out of 23,000). I was therefore, always remotely aware of being one of a handful (if not the only) black students in most of my classes. Coming from an integrated high school I was used to this status, especially in advanced courses. Therefore, the scenarios that Carolinas' demographic presented were as stressful for me as for other of my black classmates.

10. As previously expressed my overall experiences as a UNC student and UNC black student on and off campus were pretty good. I had white roommates (freshmen through junior year) and those relationships were very positive. Occasionally I encountered rudeness or "exclusions-unaware." Such encounters I generally ignored, but there was one incident that jarred me significantly, and I recall it vividly to this day. The spring of my junior year, while stepping off the curb at a cross-walk on Franklin Street, a carpool of four (4) white guys in a light blue convertible hurled the word "Nigger!" at me as they sped by. I was stunned and rendered immobile for what felt like 10 minutes. I had never been called that word, and the drunken vitriol with which they said it hurt in the worst way. I remember later calling a friend to share the encounter but there were no words to describe it, only despairing tears.

11. During spring semester of 1983, I participated in campus protest and marches to recruit more women and black faculty (<http://newspapers.digitalnc.org/lccn/2015236558/> 1983-

03-17/ed-1/seq-5/#). In my remaining senior year, I saw a slight increase in minority faculty as well as course offerings in African American Studies, but not enough. I also had the good fortune of being at Carolina during the tenure of dynamic faculty members like the late Dean Hayden B. Renwick (Associate Dean of College of A/S) and the late Dr. Sonja Stone (AFAM Department). Dean Renwick, a very hands-on administrator, was very instrumental in helping black (and minority) students navigate through EVERYTHING with the school's administration, including social issues, racial issues and school policy inadequacies. A force to be reckoned with, he was a problem solver, and for many of us a "bridge over troubled waters." Through the launch of his minority counseling programs, Dean Renwick mentored thousands of black students to become likewise; critical thinkers and problem solvers.

12. I am proud to say that I have a daughter who is a rising Junior at UNC-Chapel Hill. Although she has experienced academic success and is involved in many campus activities (Carolina Kick-off freshman camp Counselor, Black Student Movement, UNC Cheer team), she has often complained that there is not a sense of unity or black community as she has heard described for so many years. This was quite sad to hear and from listening to her and some of her black peers, I believe one of the contributing factors is access to space/facilities, and the funding for such. When I was at Carolina, we had a designated space called the Upendo Lounge and full access to Great Hall in the Student Union for most of our social events. In reviewing recent timelines of +/- gains, it appears that facility access became MORE restrictive rather than accommodating. Students should not have to drive off-campus to venues for social functions (especially with the number of student fees included in my daughter's tuition!). It is, however, my understanding that this past year the Upendo Lounge was remodeled and re-designed for black students' use. Unfortunately, it was not without pushback from many white students

(threads can be found in some of the campus student blogs). UNC-Chapel Hill can do better and should do better.

[This section intentionally left blank]

//

//

//

//

//

//

//

//

I declare under penalty of perjury that the foregoing is true and correct. Executed
this 16th day of June, 2017.

Pamela C. White