Student Amici

Students For Fair Admissions v. Harvard

Prospective, current, and former Harvard students

Identifying as Asian-American, Black, Latino, Native American, and Pacific Islander

Together to defend Harvard's right to consider race

STUDENTS



Thang Diep



Sally Chen



Cecilia Nunez



Itzel Vasquez-Rodriguez



Catherine Ho



Sarah Cole



Madison Trice



One Goal, Two Theories

SFFA Challenges
Harvard's raceconscious
admissions policy

Values racial & ethnic diversity.

NECESSARY INDIVIDUALIZED SFFA claims Harvard is intentionally discriminating against Asian Americans

Giving white applicants a comparative admissions advantage.

NECESSARY

 Race provides critical texture for assessing strengths and potential contributions.

Different

My graduation class in elementary school was only 19% Latino, and about a fifth of them were in the special education classes. This meant that of the kids I knew in my grade, only about fourteen others were Latino. This was the world I had come from, the world I was familiar with. Understandably, I felt like an ethnic outsider for most of my childhood. My olive skin and dark hair was a sharp contrast to the typical light-skinned, light hair of many of my classmates. Very few of my classmates knew Spanish (they only knew the words "hola" and "taco") and even fewer were aware of the Latino culture. Naturally, I attempted to be like the other kids in my class, so that I could fit in. As a result, I stopped learning Spanish and I began to ignore my knowledge of the Latino heritage. "Yes! Now I'm normal!" I thought. Yet, as the years went by, I lost my sense of identity and I became increasingly unhappy with myself.

During my last years of elementary school, I decided to return to my roots: I showed people that I could pronounce Spanish words with ease and that I had different holiday traditions than them. "Being different is a good thing," I had decided, and I was tired of trying to be like everyone else when I clearly was not. From then on, I embraced my Mayan first name and the jicama and guavas my mother often packed me for lunch. I no longer cared what people thought or how ignorant they may have been towards my culture, because I accepted the fact that others may have different beliefs and traditions than me.

This transformation continued in high school. Here, I discovered my life's ambition: I want to represent my heritage and inspire my fellow Latinos to embrace our culture. I pursued the classes, sports teams, and clubs I was interested in without the fear of being an outcast. In fact, I enjoyed being the minority in an AP or honors class because I felt the need to push myself and prove that I belonged there. Throughout high school, I pushed myself beyond my limits because I wanted to defy the common misconception that Latinos are not smart and won't go to college. I crave success in every aspect of my life because I want to be a role model for my community.

The world I come from helped me realize the importance of my culture and gave me the motivation to succeed and inspire others. By embracing my culture and my heritage, I was finally happy. I had realized that my background was unique and I was glad that I had a culture to celebrate and represent. I took this love and pride with me to high school, and I will undoubtedly carry it with me to college.

9671387 Itzel L Vasquez-Rodriguez RD Fall 2013 12/01/20

HLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

HARV00097899

SA3 0013

"felt like an ethnic outsider"

"decided to return to my roots...I could pronounce Spanish...embraced my Mayan first name and the jicamas and guavas...for lunch"



"discovered my life's ambition: I want to represent my heritage and inspire my fellow Latinos to embrace our culture"

"enjoyed being the minority in an AP or honors class...I wanted to defy the common misconception that Latinos are not smart and won't go to college."

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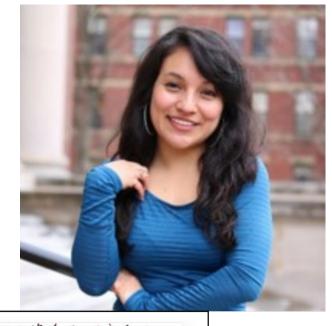
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9671387 Itzel L Vasquez-Rodriguez RD Fall 2013 12/01/2012

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HARV00097899

SA3.0013



A case you want to root for! Scores are somewhat mused but w/ as strong set of AP scores, I see they are a good academic lit. Dad is unemployed, Mom an admin of some sort, & Itsel lit. Dad is unemployed, Mom an admin of some sort, & Itsel has lived b/w & homes for years-applying an few wairer so have lived b/w & homes for years-applying an few wairer so maybe HFAI as well. A & speseason runner & 4x C she's maybe HFAI as well. A & speseason runner & 4x C she's wairer as the latter as a well. A & speseason runner & a for paper, Link latter at a success & also served as E of paper, Link leader, & volunteer. She's connected w/her heritage after a period of disconnect (see PE) & courds positive, respected, & land. AIV should confirm?

My goodnoss Itzel'is a hard worker! Those Adscores are impressive out of hayfair where any 25 wgo at to 4 year colleges. She seems resilient and determined to so cood, and her GC lots us know the has an "electric" pastrality — NAA some up her stary well — are has to admined her success in light of the avantagenessar home. Let's see how IV cames—in and edupare — This is certainly not a feeder school! —

Different

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967138

Itzel L Vasquez-Rodriguez RD Fall 2013

12/01/2012

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HARV00097899

SA3.0013



WRITING

PERSONAL ESSAY

Some students have a background or story that is so central to their identity that they believe their application would be incomplete without it. If this sounds like you, then please share your story.

Sitting in a classroom filled with strangers my age, I tapped my foot on the wooden floor anxiously. I scanned the room and saw strange symbols on the wall forming into words that I could neither interpret nor pronounce. Suddenly, it was my turn to read in class. As I opened my mouth, only foreign noises spilled out, or rather that was how my classmates mocked the way I sounded. My family immigrated to the United States in 4th grade to provide me with a better education, but I soon realized that I was lumped into a group and regarded as "Asiam" or "Chinese," with my actual Vietnamese identity lost in translation. These incidents slowly took away parts of my former self and I was on the brink of concession.

But I never gave up. In fifth grade, I met a teacher named REDACTED who made a difference, or rather many differences, in my ite. Since I was learning English from scratch, he gave me auvice on my new language. For a year, I put a pencil between my teeth as I read hundreds of books out loud to improve my pronunciation. The hard work all paid off when I was chosen to give a speech at my fifth grade culmination. I realized that all I needed was a tool, or rather a pencil, to help project my voice, to write my own stones about personal failures and successes.

Today, I still find myself gnawing on wooden #2 pencils every once in a while. It was these pencils that allowed me to be more than the isolated immigrant kid in the comer of a classroom who could not speak English. Instead of taking the safe route and focusing entirely on mathematics and science in which I was on an equal playing field with everyone else, I decided to join a humanities magnet program in high school. I wanted to take risks and explore my linguistic capabilities. It is an environment that requires me to actively participate in class with native English speakers, not to mention the fact that I have to write a two-hour college-level essay about topics like existentialism and transcendentalism every ten weeks. I was also no longer ashamed of my Vietnamese identity as the program allowed me to embrace it.

I continued to challenge myself by applying for Director of Clubs and Organization in Associated Student Body my senior year It not only tested my abilities to manage time and handle stress, but also my public speaking skills, as I ran the weekly club council meetings and communicated with representatives from various clubs to plan events like Join-a-Club Day and Open House. There were times when I thought that I bit off more than I could chew, but then I remembered the pencils.

Those pencils embodied the drive to chase after my dreams even if it meant facing hardships. Although we are all born into circumstances that are out of our control, we can still choose to take command and steer it towards the route we want. Life is not as set in stone, or predetermined, as we may think. My fourth grade self would have never been able to envision the person that I am today. Even though it is important to acknowledge the past, it is even more crucial to keep it from hindering the future.

"...Vietnamese identity lost in translation..."

"lumped into a group and regarded as 'Asian' or 'Chinese""



"learning English from scratch...I put a pencil between my teeth as I read hundreds of books out loud to improve my pronunciation....these pencils [] allowed me to be more than the isolated immigrant kid..."

"decided to join a humanities magnet program...[I wanted to] explore my linguistic capabilities...with Native English speakers."

"I was no longer ashamed of my Vietnamese identity as the program allowed me to embrace it."

CA Diep, Thang CEEB: 052618 Fall 2015

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FYRD CAID: 12203975

9/12/2018 11:01 CHECKLIST Application (->Application)
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SA2.0010

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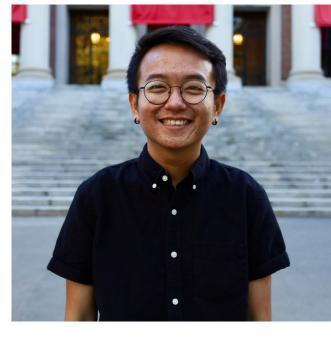
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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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SA2.0010





Fine for colleges to consider overcoming discrimination based on race.

10/22 Tr. 71:8-72:7 (Kahlenberg).

The Losing Cycle

June 19th of this summer I woke up with a 4am missed call on my phone from my best friend, REDAC I immediately texted her to see what was the matter. She texted me back, "Get on Facebook." A little confused, I followed REDAC directions and went to my Facebook homepage. "Rest in Peace, REDACTED' status updates from all my Center High School friends filled my computer screen. My stomach dropped. I just kept thinking, "Not REDACTED REDA"

A young gunman had mistaken RED for another Center High School student and killed REDA Everyone who knew REDA mourned this reckless loss of his promising life, but for REDAC the pain of his death was especially acute. RED and REDAC had been each other's best friend, confidant, and even secret crush. They had the best brand of friendship. So when RED died, it was like he took a part of REDAC soul with him. I watched helplessly as my best friend of ten years rapidly faded into a mere shadow of herself. I tried to console her, but her grief was too deep for me to be capable of comforting her. I hated seeing her so depressed. I hated even more that I lacked the power to make her happier: I could not bring RED back.

With the second highest homicide rates in the nation, Kansas City has struggled with gun violence for as long as I can remember. While I have always hated this fact about my city, I never tried to do anything about it because it had not ever affected me personally. However, the empty look in REDAC eyes after RED passed away this summer woke me from my slumber of passivity. I did not want anyone to have to endure the type of pain she felt ever again. Gun violence, especially among youth, is far too preventable for there to be so many unexpectedly grieving loved ones in Kansas City today.

grieving loved ones in Kansas City today.

Soon after REDAC death, I met with my city's youth leadership board, EngageKC, of which I am a member. I told the other board members that I needed to see changes in Kansas City's approach to preventing youth violence. We could start by restoring the confidence of youth in their education and creating more job opportunities for them. "Maybe," I said to my fellow board members, "If kids are working on the essay that's due tomorrow, or pulling a shift until nine at night, they will be less inclined to walk around carrying a gun."

Early September, EngageKC presented to the Kansas City Mayor six recommendations of ways he could better prevent criminal behavior in youth. He responded to our suggestions with great approval. Hopefully, the city will soon be able to turn our recommendations into a plan of action that will significantly decrease youth violence. REDA may have lost REDA and I may have partially lost REDAC but Kansas City can slow down this losing cycle.

Regardless of your answer to the prior question, please indicate how you identify yourself. (Check one or more and describe your background.)

O American Indian or Alaska Native (including all Original Peoples of the Americas)

Are you Enrolled? O Yes O No If yes, please enter Tribal Enrollment Number_

Asian (including Indian subcontinent and Philippines)

Black or African American (including Africa and Caribbean)

XAA

Kansas City: "second highest homicide rates in the nation"

"[G]unman had mistaken [Sarah's acquaintance]...and killed [him]"

Presented Mayor of Kansas City six recommendations to prevent youth violence.



NECESSARY

- 1. Race provides critical texture for assessing strengths and potential contributions
- 2. Racial diversity enriches the educational environment for all students.

























Gave him "a tool set to think about cultural sensitivity and cultural competency" which will make him a better doctor.

Tr. 10/29 156:12-14









NECESSARY

- 1. Race provides critical texture for assessing strengths and potential contributions
- 2. Racial diversity enriches the educational environment for all students.
- 3. Eliminating the consideration of race would sharply reduce the number of Black, Hispanic, and other minority students

All students would lose out from declines





"less learning"
Black and Latinx
students offer
perspectives that
"make classes ...
much richer."

Tr. 10/29 79:1-13











All students would lose out from declines





"less learning" Black and Latinx students offer perspectives that "make classes ... much richer." Tr 10/29 79·1-13

"frankly, catastrophic...both for students of color, but also for students in general"

Tr. 10/29 21:10-16

"a lot of the power and positive change at Harvard comes from student groups of color." Tr. 10/29 22:25-23:2











Reduction in the Number of Black Students



Needed same-race peers to "lean on"

Tr. 10/29 79:1-13



"would hurt my education dramatically"

Tr. 10/29 154:21-22

Socioeconomic status cannot serve as proxy for race



"ethnoracial diversity is more visibly salient,"

Tr. 10/29 22:16-17

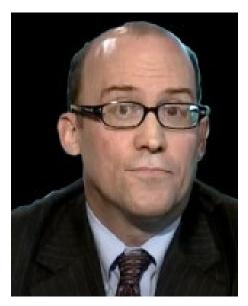
"[took] note mentally of the number of students of color"

Tr. 10/29 19:20-17

In spaces with more students of color she could "finally breathe"

Tr. 10/29 20:17-19

Socioeconomic status cannot serve as proxy for race



Admits: Consideration of race is most efficient method for promoting racial diversity.

10/22 Tr. 82:4-10 (Kahlenberg).

Threatens to reduce diversity within each racial group



Southeast Asian representation is lacking at Harvard.

Tr. 10/29 148:10-23

Feels "marginalized" and "erased".

Tr. 10/29 149:1-3

"[A]llows my immigration history to be taken into account"

Declines even greater than estimated



"probably would not have applied to Harvard if they didn't take race into account."



Signal to students of color they were not welcome. Fewer would apply and accept.

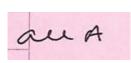
Tr. 10/29 16:23-24

Tr. 10/29 83:21-84:20

INDIVIDUALIZED

- 1) Admitted Black and Hispanic students are eminently qualified, regardless of race.
- 2) Harvard considers all pertinent elements of diversity
- 3) Harvard flexibly applies its positive appreciation of race across students of all backgrounds. Never awards predetermined points. Never a negative factor.

ACADEMICS AND EXTRACURRICULARS



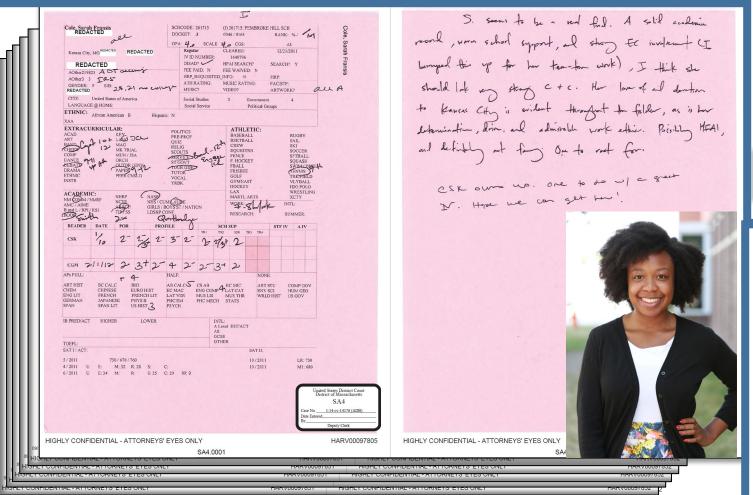
nama school support

Academically, Sarah is virtually unparalleled

EXTRACURRICUL
ACAD
ART
BAND
CHEER
COMP
DANCE
DEBATD
DRAMA
ETHNIC
INSTR

POLITICS
PRE-PROF
QUIZ
RELIG
SCOUTS
SERVICE
ST GOVT
TOUR GDE
TUTOR
VOCAL
YRBK

her tem-from work



CHARACTER ATTRIBUTES BACKED UP BY RECOMMENDATIONS

determination, din, and admirable work athic.

Sarah pulled off a very impressive, successful year in English! She is a leader in the classroom and within our total school. I admire this young lady so very much, and she works hard to help others. I am also aware of how very much she persevered despite economic family turmoil in her household. She has maintained part-time employment but still managed to maintain her incredible achievement in school. She is a true, living testament of the power of strong will and determination.

Sarah is also a very helpful person who takes time to help other people. I remember watching her before one of the football games this year, as she went around to all of the younger cheerleaders and helped them work out their steps and put on their face paint. Another aspect of Sarah's character that I admire beyond all others is the drive she has inside to succeed. As a football coach, there are some things that are very difficult to teach my players. Some people just have "it", whatever "it" is. Sarah is one of those people. She will continue to push herself to new and better heights of achievement, because she strives for greatness. I wish I had a little bit more of that motivation in myself. Coupling that motivation with Sarah's goal oriented outlook on life and you have the makings of one highly successful person.

As you can clearly tell, Sarah is a real leader in our community, but her leadership is of the quieter, more subtle, variety. Her Latin teacher last year shared a telling example of this trait with me:

APPRECIATES OTHER DIVERSITY ATTRIBUTES

Pointly MEAI,

Her love of and devetion to Kansas City

AOther219823 A DT secures

AOther3 3 Tes

GENDER: F SIB: 28,21 ~ wow

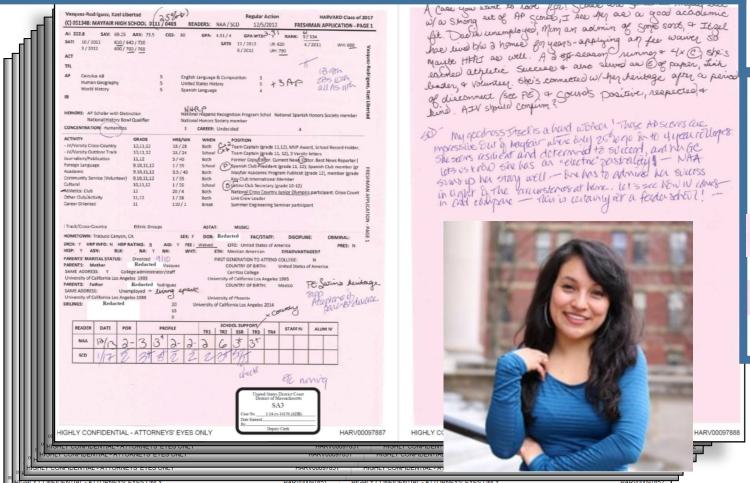
SA-4.0001, 0002, 0030, 0031, 0042, 0046

ACADEMICS AND EXTRACURRICULARS

Washing set of AP Scores

athletic Succession Survey of 4x C

served as E of paper



CHARACTER ATTRIBUTES BACKED UP BY RECOMMENDATIONS

her GC lots us know she has an "electric" pastrality

Itzel is one of the most positive young women that I have ever had the opportunity to meet. She touches the lives of all of those around her, even without knowing that she is doing so. Itzel is well respected by her peers and people find themselves drawn to her electric personality. Itzel is caring and devoted to serving others, and has a unique awareness of other people's situations.

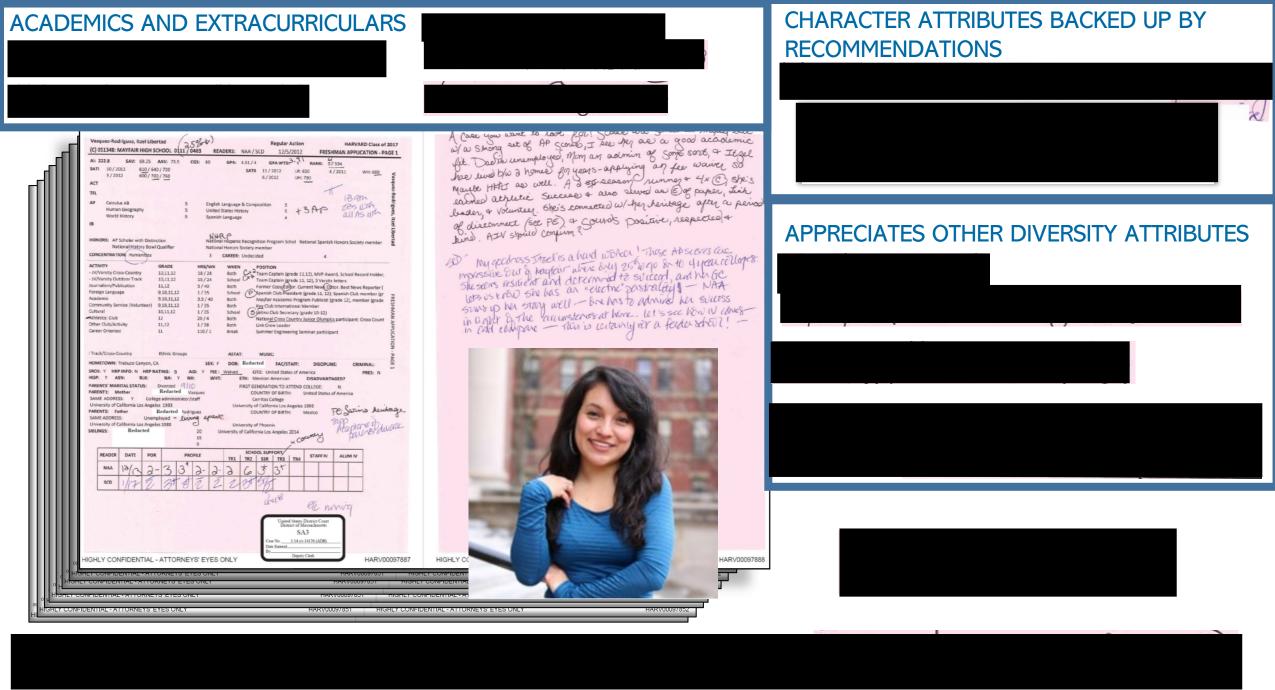
APPRECIATES OTHER DIVERSITY ATTRIBUTES

Mom an admin of Some sort, applying an few waver

MAYFAIR HIGH SCHOOL 0111/0403

Pe. Satino heutage

She's connected w/ her heritage after a period of disconnect (see PE).





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SA-3.0013



Q: What has been your most significant contribution to the Pembroke Hill community (tangible or intangible)?

A: I think my most significant contribution to the Pembroke Hill community would be providing [students and faculty] with a personal example of an African American who does not come from a financially stable family, but [who] still strives for academic excellence. I am sure I am not the only African American student that follows that description who has attended Pembroke, but I also know that in recent years most black students have been athletes, average students, have only one black parent, or come from decent money. I feel that my presence at Pembroke has helped loosen the stronghold of stereotypes placed on African Americans, at least among my peers here.

One Goal, Two Theories

SFFA Challenges
Harvard's raceconscious
admissions policy

Values racial & ethnic diversity.

NECESSARY INDIVIDUALIZED SFFA Claims Harvard is intentionally discriminating against Asian Americans

Giving white applicants a comparative admissions advantage.

1. SFFA cannot evade its burden of proving intent. Strict Scrutiny does not apply

SFFA Claims Harvard is intentionally discriminating against Asian Americans

Giving white applicants a comparative admissions advantage.

2. Application files of Asian American amici corroborate testimony of Harvard's witnesses

Asian American ethnicity viewed as positive



| N | ot | es | : |
|---|----|----|---|
| • | v | v | • |

EJB, LI

Essay- immigrant Vietnamese identity & pencils as tools; EC: Filmmaking summit; Add'l-grappling with sexual identity

SCD

Reader Comments:

EJB, L

Thang is an incredibly hard working student and very committed to pushing himself academically and personally. He's done a good deal to push his own boundaries and explore new experiences. Support expresses admiration for his intellect, work ethic, and leadership on campus. A well involved, first generation student from a modest background. One to compare with HFAI info.

2. Application files of Asian American amici corroborate testimony of Harvard's witnesses

Asian American ethnicity viewed as positive



ACADEMIC

Magna potential.

Sally's quantitative skills are well-complemented by her interest in American literature. Categorized as low-income and with Taiwanese-speaking parents, she relates to the plight of the outsiders in Ralph Ellison and William Faulkner. She has the potential to be strong in both the humanities and the sciences, as she chooses (or maybe find a discipline that combines them).

2 PERSONAL QUALITIES

Strong personal appeal and character

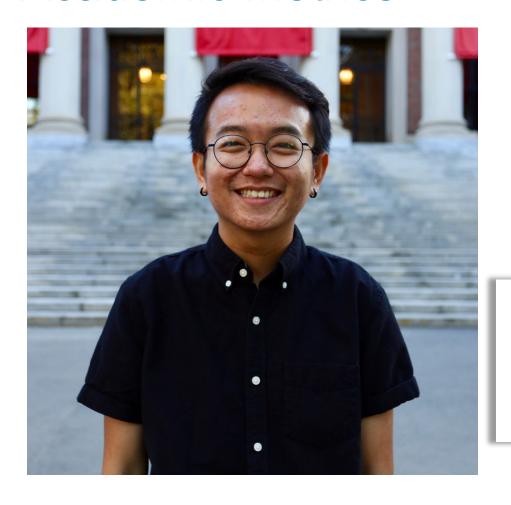
In a short conversation we were drawn in by Sally's warmth and sense of humor. Her clear drive is tempered with self-deprecation and authenticity. For example, she shared that it was her desire to make friends that led her to run for student government. She laughed about her parents driving around a strange neighborhood waiting for the interview to let out. She enquired about the food at Harvard. Her claims about making friends across multiple social groups seem credible. As the youngest of 4 in a culturally Chinese home, she feels a responsibility to take care of her parents.

3. SFFA's method of proof overlooks importance of non-academic factors

36. From the class of 2014 through the class of 2018, whites and Asian Americans were admitted at about the same rate every year. T9.68:2-20; PD38.20. But that should not be the case. There is a positive correlation between the academic index and admission, meaning a high academic index increases the probability of being admitted to Harvard. T9.71:8-13; PD38.21. Yet, for Asian Americans, having a higher academic index than white applicants does not translate into more spots in the admitted class. T9.69:17-70:2. White applicants are admitted at a higher rate than Asian Americans in every academic decile. T9.72:12-18; PD38.21. This suggests that Asian Americans are being penalized vis-à-vis whites with similar qualifications at the point of admission. T9.73:24-74:9. The strength of Asian-Americans vis-à-vis white applicants is not just a function of academics. They also are stronger on the extracurricular rating and the alumni overall rating, and of comparable strength to white applicants on the school support ratings.

Personal score analysis

Overemphasizes Academic Metrics



AI: 220.00

SFFA: "middle of the pack"

- Straight As in high school,
- graduated first in his prestigious magnet program,
- National AP scholar with distinction

SCD

Thang writes a thoughtful application through which he conveys a strong sense of himself. His school loves him and assure us he is an unusually caring individual who works very hard and has an "infectiously happy personality" (SSR). President of Key Club; officer in ASB; Red Cross VP and hospital volunteer. Not a bad package when you put it all together. Let's see how IV comes in and ponder in HFAI context.

Personal score analysis

Overemphasizes
Academic Metrics

Selectively ignores some racial associations, but not others.

ALL 3 regressions of ratings:

- Showed associations with race.
- Had low explanatory power.

TREATED CONSISTENTLY















