

**In the Supreme Court of the United States**

STUDENTS FOR FAIR ADMISSIONS, INC,  
*Petitioner,*

v.

PRESIDENT & FELLOWS OF HARVARD  
COLLEGE,  
*Respondent.*

STUDENTS FOR FAIR ADMISSIONS, INC,  
*Petitioner,*

v.

UNIVERSITY OF NORTH CAROLINA, *et al.*  
*Respondents.*

ON WRITS OF CERTIORARI TO THE UNITED STATES  
COURTS OF APPEALS FOR THE FIRST AND FOURTH  
CIRCUITS

**BRIEF OF *AMICI CURIAE* THE ASIAN  
AMERICAN COALITION FOR EDUCATION  
AND THE ASIAN AMERICAN LEGAL  
FOUNDATION IN SUPPORT OF PETITIONER**

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**THE INTEREST OF *AMICI CURIAE* <sup>1</sup>**

These cases, involving race-conscious college admissions, are of critical importance to *amici curiae* and their constituents, who are Americans of Asian ethnic descent.

Asian Americans have historically faced discrimination and even violence in American. In the educational arena, Asian Americans have been subjected to egregious discrimination based on their ethnicity for almost as long as Asians have been in America. At schools like Harvard College (“Harvard”) and the University of North Carolina (“UNC”), Asian Americans have been subjected to admissions processes that have denied them equal access to opportunity because of their skin color. Many of Amici’s constituents have children who were denied entrance to or who may one day aspire to attend Harvard, UNC, or other selective institutions with similar discriminatory admissions practices.

Issues raised by this case are particularly poignant as the Asian American community has recently been experiencing a pandemic of race-based violence, with vulnerable Asian Americans viciously attacked and even murdered in the streets of American cities. These horrific attacks are often

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<sup>1</sup> No counsel for a party authored this brief in whole or in part, nor did any person or entity, other than amici or their counsel, make a monetary contribution intended to fund the preparation or submission of this brief. All parties have given their consent to the filing of this *amici curiae* brief by filing blanket consents..

carried out using the same rationale used to justify discrimination in education: that Asian Americans are fundamentally different, inexorably “other,” and less deserving of basic rights, including the right to be treated the same as other human beings.

The Asian American Coalition for Education (“AACE”) is an apolitical, non-profit, national alliance. It is devoted to promoting equal rights for Asian Americans in education and education-related activities. The leaders of AACE and its supporting organizations are Asian American community leaders, business leaders and, most importantly, parents. They are not professional “civil rights advocates” and do not get funding from large corporations or multibillion dollar foundations, but were forced to become civil rights advocates to expose, stop and prevent the discrimination against their communities and children that the “professionals” ignore, downplay and facilitate. In this *amici* filing, AACE represents the 368 organizations listed in Exhibit A hereto. More information on AACE can be found at <http://asianamericanforeducation.org>.

The Asian American Legal Foundation (“AALF”), a non-profit organization based in San Francisco, was founded in 1994 to protect and promote the civil rights of Asian Americans. AALF focuses its work on situations where Asian Americans are discriminated against for a purportedly benign purpose and where high profile groups and individuals deny that

discrimination even exists. Members of AALF were instrumental in the struggle to end discrimination against Chinese American students in the San Francisco, California public school system. *See Ho v. San Francisco Unified Sch. Dist.*, 147 F.3d 854 (9th Cir. 1998). More information on AALF can be found at <http://www.asianamericanlegal.com>.

*Amici Curiae* ask this Court to hear their arguments in support of Petitioner.

### SUMMARY OF ARGUMENT

The record below demonstrates that the race-conscious admissions programs at Harvard College (“Harvard”) and the University of North Carolina (“UNC”) discriminate severely against Asian American applicants. This racial discrimination is carried out in the name of diversity, but the result is the same—discrimination against individuals who are of non-favored races.<sup>2</sup>

The discrimination is not subtle. At UNC, an in-

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<sup>2</sup> Selective colleges are no longer as blatant in their racial discrimination as in the past, but in recent years many have instituted “diversity” programs that essentially do the same thing—discriminate against individual applicants, particularly Asian Americans, solely because of their ethnicity. *See* Ron Unz, *The Myth of American Meritocracy: How Corrupt are Ivy League Admissions?*, (The American Conservative (Dec. 2012), at <https://www.theamericanconservative.com/articles/the-myth-of-american-meritocracy/> (last checked 4/28/2022). However disguised, such race-based programs violate the Equal Protection Clause and Title VI of the 1964 Civil Rights Act.

state male Asian American candidate whose statistical chances of admission are 25% based on grades and other metrics would have a 63% chance of admission if treated as Hispanic and a 88% chance of admission if treated as black. Harvard maintains its racial balances by taking the discrimination an insulting step further, using the highly subjective “Personal” rating—an important component of an applicant’s overall admissions score—to establish a hierarchy of races, with blacks at the top, followed by Hispanics, followed by whites, and with Asian Americans at the very bottom. Not only is this unjust, it sends the message that Asian Americans are somehow lacking in the personal qualities possessed by other Americans.

Throughout the long history of Asians in America, Asian Americans faced discrimination rationalized by depicting them as featureless members of a “yellow horde,” lacking the human attributes of other Americans and not deserving to be viewed or treated as individuals. It is thus sad to see Asian Americans again subjected to negative stereotyping and discrimination, this time by respected educational institutions.

The pernicious “race-conscious” discrimination practiced at Harvard and UNC is copied across the nation. It causes real and tangible harm, resulting in Asian American children feeling a sense of inferiority, anger, and hopelessness in their academic endeavors, knowing they will face additional hurdles

to college admission just because of their ethnicity. It contributes to the view that people of Asian descent are “other” and not fully American, a view that, among other things, has led to violence against members of the Asian American community.

The blatant discrimination by Harvard and UNC should be stopped. These schools’ policy of treating applicants identified as “Asian” as less desirable solely because of their ethnicity illustrates that, exactly as this Court has in the past declared, distinctions based on race are “odious to a free people” and should not be allowed except where necessary to remedy specific prior illegal use of race.

It is time to reexamine the holding of *Grutter v. Bollinger*, 539 U.S. 306 (2003), which allowed universities to consider race under the guise of creating “critical masses” of underrepresented minorities. As the instant cases show, the holdings of *Grutter* and its progeny have not stood the test of time but have instead led to a cynical watering down of the strict scrutiny analysis used to determine whether distinctions based on race are lawful, making a mockery of the equal protection guaranteed by the Fourteenth Amendment to the Constitution. Unless ended, the present trend of imposing unneeded and harmful racial distinctions will not stop with college admissions but will permeate all aspects of American society, with grave consequences for our future.

Some 70 years ago, in *Brown v. Board of Education*, 347 U.S. 483 (1954), this Court recognized the inherent injury to individuals when schools treat students differently because of their race, and found that such discrimination was unlawful, whatever the stated justifications. That same reasoning should apply here today.

This Court should find in favor of Petitioner.

## ARGUMENT

### I. RACE-CONSCIOUS ADMISSIONS DISCRIMINATES AGAINST ASIAN AMERICAN APPLICANTS WHILE PROMOTING RACIAL HOSTILITY TOWARD MEMBERS OF THIS MINORITY GROUP.

#### A. Harvard's Use of the "Personal" Rating to Devalue Asian American Applicants Perpetuates Stereotypes Historically Used to Justify Persecution.

Harvard and UNC "demean[] the dignity and worth" of Asian Americans by judging them by ancestry instead of by their "own merit and essential qualities." *Rice v. Cayetano*, 528 U.S. 495, 517 (2000). At both Harvard and UNC, the admissions process is preoccupied with race, with the goal of balancing the student bodies in terms of race, and achieving skin-deep "diversity." Such attempts at racial balancing



are something this Court has long taught is forbidden. “We have many times over reaffirmed that [r]acial balance is not to be achieved for its own sake.” *Parents Inv. In Comm. Sch. v. Seattle School No. 1*, 551 U.S. 701, 127 S. Ct. 2738, 2757 (2007) (citing cases). While these schools’ race-conscious admissions programs unlawfully classify all applicants by race, they discriminate most heavily against applicants identified as “Asian.”

For years, at Harvard, admissions officers have been assigning artificially low “Personal” ratings to Asian American applicants during the admissions process to counter their otherwise above-average metrics and “balance” the racial makeup of its student body.<sup>3</sup> The Personal rating is dramatically important for admission to Harvard College. Harv.JA382. Until this lawsuit was filed, during a multi-decade period in which the percentage of qualified Asian Americans in the applicant pool steadily increased, the average Personal score given

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<sup>3</sup> Harvard maintains racial “balance” by assigning higher Personal scores to applicants from desired races and lower Personal ratings to those of less desired races, and by considering race when it assigns the overall rating. The final race-based adjustment occurs at the end of the process, by “lopping” applicants of disfavored races from the admit pool until it reaches its diversity goals. *Students for Fair Admissions, Inc. v. Harvard Corp.*, 397 F. Supp. 3d 126, 144, 146 (2019); CA1.JA2048-2049, 4011, 4138-46, 4156; *‘Lopping,’ ‘Tips’ and the ‘Z-List’: Bias Lawsuit Explores Harvard’s Admissions Secrets*, The New York Times, July 29, 2018, found at [nytimes.com/2018/07/29/us/harvard-admissions-asian-americans.html](https://www.nytimes.com/2018/07/29/us/harvard-admissions-asian-americans.html) (last visited 4/29/2022).

Asian American applicants decreased relative to other races, so as to keep the percentage of Asian Americans in the student body relatively constant at around 20 per cent. Harv.JA887-88, 1769-70, 1795; Harv.Pet.App.193-94.

The Personal rating (scored 1-6 with “1” being the highest) supposedly measures human attributes such as “integrity, helpfulness, courage, kindness, fortitude, empathy, self-confidence, leadership ability, maturity, and grit.” Harv.Pet.App. 19, 125.<sup>4</sup> Asian Americans receive by far the worst Personal ratings. Harv.Pet.App.172-73. For applicants in the top academic decile, the percentage receiving a 1-2 Personal rating is: Asian American 22%, White 30%, Hispanic 34%, African American 47%. CA1.JA4535. The same racial ranking persists for the other deciles. *Id.*

The effect of the manipulation of Personal ratings on admission to Harvard is not subtle. “A ‘4’ rating...was all but fatal, with a rejection rate of 98 percent; a ‘1’ was a virtual guarantee of admission, with a rejection rate of just 2.5 percent.” Harv.JA382.

Harvard’s use of the Personal rating to “devalue” Asian American applicants is not only unfair, it demeans and dehumanizes members of this ethnic

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<sup>4</sup> The Personal rating is added to ratings for Academics, Extracurricular, and Athletics to produce an overall rating. Harv.Pet.App.26-128. “Harvard acknowledges that admissions officers can and do take an applicant’s race into account when assigning an overall rating.” *Id.* 21.

group by labelling them as somehow deficient in character and “personality” compared to other applicants, and inherently less desirable. *Amici* make no claim that Asian Americans are special, but it defies logic that applicants from this community can be consistently that deficient in character compared with white, Hispanic and African-American applicants.

Through use of the Personal rating, Harvard essentially imposes a racial hierarchy, where African Americans are the most desirable, followed by Hispanics, followed by whites, and with Asians at the very bottom as the least favored and the least likely to be admitted. At trial, Harvard failed to provide any plausible race-neutral explanation for this racial hierarchy in Personal ratings. *See Harvard*, 397 F. Supp. 3d at 162; CA1.JA2227-2229, 6005-06; Harv.Pet.App.180, 189-94.

Significantly, Harvard alumni interviewers, who actually meet with most applicants in person (unlike the internal admissions staff who assign the Personal rating), score Asian American applicants on average as high as applicants of other ethnicities in terms of personal qualities. *See Harvard*, 397 F. Supp. 3d at 162. Outside studies also support the common-sense conclusion that Asian American students are not deficient in personal attributes. *See e.g., Arcidiacono, Espenshade & Sander, A Conversation on the Nature, Effects, and Future of Affirmative Action in Higher Education Admissions,*

17 U. Pa. J. Const. L. 683, 694-695 (2015)., *located at* <https://scholarship.law.upenn.edu/jcl/vol17/iss3/2> (lasted visited 4/29/2022) (study of 100,000 undergraduate applicants to UCLA found “essentially no correlation” between race and personal attributes.)

Harvard’s use of the subjective Personal rating to limit admission of Asian Americans is appalling and reinforces negative stereotypes that were historically used to justify persecution and even violence against the Asian American community.

**B. UNC Unlawfully Discriminates  
Against Asian Americans in an  
Attempt to Mirror the Racial  
Demographics of the State.**

UNC gives preference to black, Hispanic and Native American applicants, deeming them “under-represented minorities” (“URM”), while at the same time discriminating against individuals of the non-preferred races, particularly Asian and white Americans. MDNC.Dkt. 160-1 at 2-4.

The UNC admissions process is race-conscious throughout.<sup>5</sup> UNC gives preferences to applicants of the preferred races under the guise of promoting

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<sup>5</sup> Candidates are assigned numerical scores in five categories: academic program, academic performance, extracurricular activity, personal qualities, and essay. UNC.Pet.App.70-71. Race is considered at every stage of the admissions process. UNC.Pet.App.51, 97; UNC.JA407. With a limited number of seats available, college admissions at UNC, like other selective schools, is a “zero sum” game. *See Fisher v. Univ. of Tex. at Austin*, 136 S.Ct. 2198, 2227 n.4 (2016) (Alito, J. dissenting).

diversity but is also attempting to mirror the racial demographics of the State: “The term ‘under-represented’ in this context refers to any group ‘whose percentage enrollment within the undergraduate student body is lower than their percentage within the general population in North Carolina.’” UNC.Pet.App. 15 n. 7. The Constitution prohibits such racial balancing. *Parents*, 127 S. Ct. at 2757.

Admissions officers’ internal communications demonstrate that Asian Americans are at the bottom of UNC’s racial hierarchy. As the court below noted, “One email, in the words of Plaintiff, ‘express[es] disappointment that an applicant with perfect test scores was Asian and not ‘Brown.’” UNC.Pet.App. 40.

The effect of UNC’s discrimination is harsh for candidates of the disfavored races. As Petitioner’s expert found, an in-state male Asian American candidate whose statistical odds of admission are 25% based on his grades and metrics would have a 63% chance of admission if treated as Hispanic and a 88% chance of admission if treated as black. MDNC.Dkt. 160-1 at 7, 30-31, 46-47; UNC.JA451-54, 1080-83. The discriminatory effect of the racial preferences is even greater with out-of-state applicants. *Id.*

### **C. The Burden of Respondents’ Use of Race Falls Heaviest on Those Least Able to Bear It.**

It would be wrong on several levels to suppose that Asian American students uniformly apply to

Harvard and UNC with high GPAs and test scores and that conditions are merely being “equalized” by consideration of race, and that no one is really being harmed. First, under the Fourteenth Amendment to the United States Constitution, the constitutional injury lies in the absence of equal treatment, whatever the result. *Northeastern Fla. Ch. of the Associated Gen. Contractors v. City of Jacksonville*, 508 U.S. 656, 666 (1993).

Ironically, while Harvard and UNC penalize Asian Americans because they do not consider them as contributors to diversity, they fail to consider that “Asian” encompasses many diverse ethnic groups, each of which is a distinct minority: “Asian Americans trace their roots to more than 20 countries in East and Southeast Asia and the Indian subcontinent, each with unique histories, cultures, languages and other characteristics.” Abby Budiman & Neil G. Ruiz, *Key Facts about Asian Americans, a Diverse and Growing Population*, Pew Research Center (April 21, 2021), found at <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-americans/> (last visited 4/18/2022). And, within each of these countries, there are further tribal, language, dialect and other distinctions, multiplying the diversity even more.

Between these many “Asian” groups there is considerable variance in terms of educational tradition; and within each group, there are extreme differences in family background and resources.

Thus, not only do “Asians” contribute significantly to diversity, it is unreasonable and unfair to assume that all Asian American applicants are equally placed and should all be held to the school’s “Asian” admission standard.

What actually happens in Harvard and UNC admissions is that the more socioeconomically advantaged, better prepared Asian American candidates may still gain entry in spite of the ethnic “handicap” by filling the *de facto* Asian quota. At UNC, for example, “when you’re in the very top decile, pretty much everybody is getting in.” UNC.Pet.App. 76. However, less advantaged Asian American candidates with less than perfect scores are at a severe disadvantage compared to similarly-placed applicants of the preferred races: “For instance, in decile five, ‘whites and Asian Americans have admit rates that are below 30%, but the African American admit rate is over 40 points higher, at 71%, and the Hispanic admit rate is almost 54%.’ ” UNC.Pet.App. 76-77.

Thus, perversely, at Harvard and UNC the burden of the racial discrimination falls heaviest on the most disadvantaged Asian American students who apply for admission, often from poor inner-city neighborhoods. Race preferences are aggregators of socioeconomic privilege—Harvard’s student body is one clear example. See Amy Y. Li, *Freshmen Skew Wealthy, as Always. Harvard isn’t Helping*, Harvard Crimson (Sept. 15, 2021), found at <https://www>.

thecrimson.com/article/ 2021/9/15/harvard- skews-wealthy-freshman-survey/ (last visited 5/6/2022).

**D. The Higher Admissions Standards Imposed on Asian American Children Lead to Unbearable Study Loads, Stress, Depression and Other Psychological Harm.**

Preparing for college is stressful for all high school students. The *de facto* higher admission standards imposed by Harvard, UNC and other selective colleges for applicants identified as “Asian” makes the process even worse. Filled with despair because they know they will face formidable and potentially insurmountable additional barriers when they apply to selective colleges, many Asian American high school students work themselves into ill health, suffering higher rates of anxiety, depression and suicide. “Asian American college students are 1.6 times more likely than all others to make a serious suicide attempt.” George Qiao, *Why Are Asian American Kids Killing Themselves?* Plan A Magazine, Oct. 3, 2017, found at <https://planamag.com/why-are-asian-american-kids-killing-themselves/> (last visited 4/27/2022).

When Asian American children learn they face barriers because they are deemed to contribute less to “diversity,” they often want to deny their ethnic heritage, or do things to appear less “Asian.” Many researchers have documented the pernicious effects



felt throughout the Asian American community. *See* Yi-Chen (Jenny) Wu, *Admission Considerations in Higher Education Among Asian Americans*, American Psychological Association, *found at* <https://www.apa.org/pi/oema/resources/ethnicity-health/asian-american/article-admission> (last visited 4/27/2022) (citing sources).

**E. There is a Terrible Effect on the Dignity and Self Worth of Students Who Know They will Face Discrimination if Seen as “Asian.”**

Not only is race-conscious admissions contrary to Constitutional principles of equality, it has produced a pernicious regime in which, in America today, it is viewed as somehow shameful to be seen as “Asian.”

As Lee Cheng, Secretary of AALF, testified in hearings before the U.S. House of Representatives, Sub-Committee on the Constitution, “Many Chinese American children have internalized their anger and pain, confused about why they are treated differently from their non-Chinese friends. Often they become ashamed of their ethnic heritage . . .” *Group Preferences and the Law*, U.S. House of Representatives Sub-Committee on the Constitution (June 1, 1995), p. 241, *at* [http://www.archive.org/stream/grouppreferences00unit/grouppreferences00unit\\_djvu.txt](http://www.archive.org/stream/grouppreferences00unit/grouppreferences00unit_djvu.txt) (last visited 4/18/2022).

Consultants who advise on how to get kids into college openly state that Asian Americans should

conceal or downplay their ethnicity: “We will make them appear less Asian when they apply.” Bella English, *To Get Into Elite Colleges, Some Advised To ‘Appear Less Asian,’* The Boston Globe, June 1, 2015, found at <https://www.bostonglobe.com/lifestyle/2015/06/01/college-counselors-advise-some-asian-students-appear-less-asian/Ew7g4JiQMiqYNQIIwqEluO/story.html> (last visited 4/18/2022). “And for the college essay, don’t write about your immigrant family . . .” *Id.* See Abby Jackson, *How Asian American Teens are Told to Downplay Their “Asianness” for College Applications*, Insider (June 2, 2015), found at <https://www.businessinsider.com/high-school-students-told-to-appear-less-asian-on-college-applications-2015-6> (last visited 5/6/2022).

The Princeton Review advises Asian Americans: “If you’re given an option, don’t attach a photograph to your application and don’t answer the optional question about your ethnic background. This is especially important if you don’t have an Asian-sounding surname. (By the same token, if you do have an Asian-sounding surname but aren’t Asian, do attach a photograph).” Akane Otani, *Tips From the Princeton Review: Act Less Asian, Add Pics if You’re Black*, Bloomberg, Nov. 21, 2014, found at <https://www.bloomberg.com/news/articles/2014-11-21/princeton-review-tells-asians-to-act-less-asian-and-black-students-to-attach-photos> (visited 5/6/2022).

Only Asian American children have to hide that they want to be violinists or pianists, or doctors or

scientists; or are told it might be fatal to their college admission chances to provide a photograph that reveals their race. This cannot be right—it is horribly wrong. American children should not need to feel they will be discriminated against in education unless they conceal their ethnicity.

**F. Classification by Race Encourages Hostility and Violence Against Asian Americans.**

This Court has warned that, “Classification based on race carry a danger of stigmatic harm.” *Richmond v. J. A. Croson Co.*, 488 U. S. 469, 493-94 (1989). “Unless they are strictly reserved for remedial settings, they may in fact promote notions of racial inferiority and lead to a politics of racial hostility.” *Id.*

The Harvard and UNC cases presently before this Court are part of an unfortunate trend in this country that has resulted in increased hostility and violence directed against Asian Americans, not just on campuses but also on the streets of our cities. See *Anti-Asian Hate Crimes Rose 73% Last Year, Updated FBI Data Says*, NBCNews (Oct. 25, 2021), found at <https://www.nbcnews.com/news/asian-america/anti-asian-hate-crimes-rose-73-last-year-updated-fbi-data-says-rcna3741> (last visited 5/7/2022); *Surge in Anti-Asian Hate Crimes Raises Fears*, Daily Bulletin (March 5, 2021), found at <https://www.dailybulletin.com/2021/03/05/surge-in-anti-asian-hate-crimes-raises-fears-in-southern-california/> (last visited 5/7/2022). *Anti-Asian Hate Crimes Top 10,000 In U.S. Since Start Of Pandemic*,

Nikkei Asia (March 14, 2022), found at <https://asia.nikkei.com/Spotlight/Society/Anti-Asian-hate-crimes-top-10-000-in-U.S.-since-start-of-pandemic> (last visited 4/27/2022).

Increased hostility toward Asian Americans has particularly been felt in San Francisco, California, ironically the center of much of the historical racism against members of this group. See *Hate Crimes Against Asian Americans Are on the Rise*, Time, Feb. 18, 2021, found at <https://time.com/5938482/asian-american-attacks/> (last visited 5/7/2022); *SF Police Data Shows 567% Increase In Reports Of Hate Crimes Against Asian Americans*, The Guardian (Jan. 26, 2022), found at <https://www.theguardian.com/us-news/2022/jan/26/san-francisco-increase-hate-crime-anti-asian-aapi> (last visited 4/27/2022).

In a strange inversion, discrimination against Asian Americans in school admissions is increasingly justified, in the media and elsewhere, by the accusation that in addition to being “overrepresented,” “Asian American students ‘benefit from white supremacy’ and ‘proximity to white privilege,’” See *DOE-Sponsored Group Said Asians Benefit From White Privilege*, New York Post (May 26, 2019), found at <https://nypost.com/2019/05/26/doe-may-have-claimed-asian-students-benefit-from-white-supremacy/> (last visited 5/7/2022).

The stereotyping of “Asians” as somehow deficient in ordinary human qualities, coupled with the accusation that they are also “overrepresented,” undoubtedly plays a prominent role in the hostility, unprecedented in modern times, toward Asian Americans. Unfortunately, media and prominent individuals have encouraged this dangerous trend by stating openly (and erroneously) that without race-

conscious admissions Asian American students might end up filling all the places at colleges, *See Eugene Volokh, Which Political Leader Expressed Concerns about California Universities “fill[ing] their entire freshman classes with nothing but Asian Americans”?*, Washington Post (May 19, 2015), *found at* <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/19/which-political-leader-expressed-concern-about-california-universities-filling-their-entire-freshman-classes-with-nothing-but-asian-americans/> (last visited 5/6/2022).

## **II. THE RACIAL HIERARCHY AT HARVARD AND UNC PROMOTES THE SAME REPELLANT STEREOTYPES HISTORICALLY USED TO JUSTIFY DISCRIMINATION AND VIOLENCE AGAINST ASIAN AMERICANS.**

### **A. Throughout Much of America’s History, Persecution of Asian Americans Was the Shameful Norm.**

Harvard’s and UNC’s discrimination against Asian Americans because they are not viewed as contributing to diversity evokes the odious stereotypes historically used to justify discrimination against Asian Americans. Throughout early American history, Asian Americans were marginalized as somehow lacking in ordinary human qualities, and denied opportunities open to other individuals. *See, e.g.,* Charles McClain, *In Search of Equality* (Univ. of Cal. Press 1994); Elmer Clarence

Sandmeyer, *The Anti-Chinese Movement in California* (Univ. of Ill. Press 1991); Victor Low, *The Unimpressible Race* (East/West Publishing Co. 1982).

While Asian American immigrants were drawn to the United States by its promise of a better life, all too often they found only hardship and the dangerous work that nobody else wanted. Their treatment was so dismal it gave rise to the expression “a Chinaman’s Chance,” a term meaning, “Little or no chance at all; a completely hopeless prospect.” The Free Dictionary, *found at* <https://idioms.thefreedictionary.com/Chinaman%27s+chance> (last visited 4/28/2022).<sup>6</sup>

Historical court cases in which Asian Americans struggled for equal treatment provide a record that is tragic, outrageous and impossible to refute.

In 1854, in *People v. Hall*, 4 Cal. 399, 404-05 (1854), the California Supreme Court invalidated the testimony of Chinese American witnesses to a murder, explaining that Chinese were “a distinct people . . . whose mendacity is proverbial; a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point, as their history has shown; differing in language, opinions, color, and physical

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<sup>6</sup> There are various explanations for the origin of this phrase. “One is that they were given the most dangerous jobs, such as setting and igniting explosives. Another is that judges and juries routinely convicted Chinese defendants on the flimsiest of evidence. A third is that Chinese miners were allowed to work gold claims only after others had taken the best ore.” *Id.*

conformation; between whom and ourselves nature has placed an impassable difference.”

In *Ho Ah Kow v. Nunan*, 12 F. Cal. 252 (C.C.D. Cal. 1879) (No. 6,546), a district court invalidated San Francisco’s infamous “Queue Ordinance” on equal protection grounds.

In *In re Ah Chong*, 2 F. 733 (C.C.D. Cal. 1880), the court found unconstitutional a law forbidding Chinese Americans from fishing in California waters.

In *In re Tiburcio Parrott*, 1 F. 481 (C.C.D. Cal. 1880), the court declared unconstitutional a provision of California’s 1879 constitution that forbade corporations and municipalities from hiring Chinese Americans.

In *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), the Supreme Court ruled that Chinese were “persons” under the Fourteenth Amendment and could not be singled out for unequal burden under a San Francisco laundry licensing ordinance.

In *In re Lee Sing*, 43 F. 359 (C.C.D. Cal. 1890), the court found unconstitutional the “Bingham Ordinance,” which had mandated residential segregation of Chinese Americans.

In *United States v. Wong Kim Ark*, 169 U.S. 649 (1898), the Supreme Court ruled that a Chinese American boy, born in San Francisco, could not be prevented from returning to the city after a trip abroad.

## **B. The Chinese Exclusion Act.**

In 1882, in an extraordinary attack on equal protection, Congress passed the Chinese Exclusion Act, a law enacted to prevent an entire ethnic group from immigrating to the United States. *See Chinese Immigration and the Chinese Exclusion Acts, found at [https:// history.state.gov/ milestones/1866-1898/ chinese-immigration](https://history.state.gov/milestones/1866-1898/chinese-immigration) (last visited 5/8/2022).* Fueled by anti-Chinese hysteria, the Act prohibited all entry of “Chinese laborers.” *Id.* As aptly described by opponent Republican Senator George Frisbie Hoar, it was “nothing less than the legalization of racial discrimination.” *Id.*

It was not until 1943, when China was an ally in the war against the Empire of Japan, that the United States finally repealed the Chinese Exclusion Act. *Id.*

## **C. World War II Internment of Japanese American Families.**

One of the most egregious modern attacks on the constitutional rights of Asian Americans occurred during World War II, when entire families of Japanese Americans were removed from their West Coast homes and placed in internment camps.<sup>7</sup>

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<sup>7</sup> Executive Order No. 9066, issued February 19, 1942, authorized the Secretary of War and military commanders “to prescribe military areas from which any persons may be excluded as protection against espionage and sabotage.” Congress enacted § 97a of Title 18 of the United States Code,



Supported by the statements of authorities and experts who declared the discriminatory measure necessary to national security, the internment of Americans in concentration camps on American soil was allowed by the courts. *See Hirabayashi v. United States*, 320 U.S. 81 (1943). Only decades later was it acknowledged there had been no justification for this abrogation of constitutional rights. *See Korematsu v. United States*, 584 F. Supp. 1406, 1416-20 (N.D. Cal. 1984) (motivation was “racism” and “hysteria” and not “military necessity”); *Hirabayashi v. United States*, 828 F.2d 591 (9th Cir. 1987).

**D. The Disgraceful History of  
Discrimination Against Asian  
Americans in Education.**

After the 1776 Revolution, Americans agreed with Thomas Jefferson “that the future of the republic depended on an educated citizenry” and that universal public education should be provided to all children. Johann N. Neem, *The Founding Fathers Made Our Schools Public. We Should Keep Them That Way*, The Washington Post, Aug. 20, 2017, found at <https://www.washingtonpost.com/news/made-by-history/wp/2017/08/20/early-america-had->

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making it a crime for anyone to remain in restricted zones in violation of such orders. Military commanders then issued proclamations excluding Japanese Americans from West Coast areas and sending them to internment camps. *See Korematsu*, 584 F. Supp. at 1409.

school-choice-the-founders-rejected-it/ (last visited 4/27/2022). Alas, that noble sentiment did not extend to Asian American children, who were often denied access to public education.

*In Tape v. Hurley*, 66 Cal. 473, 6 P. 12 (1885), it took a court battle to force San Francisco schools to admit a Chinese American girl denied entry because, as stated by the State Superintendent of Public Instruction, public schools were not open to “Mongolian” children. *McClain, supra*, at 137. In response to the ruling, the California legislature authorized the establishment of separate “Chinese” schools: “When such separate schools are established, Chinese or Mongolian children must not be admitted into any other schools.” See *Tape v. Hurley, Aftermath*, found at [https://en.wikipedia.org/wiki/Tape\\_v.\\_Hurley](https://en.wikipedia.org/wiki/Tape_v._Hurley) (last visited 5/3/2022.) Chinese American schoolchildren were restricted to those schools until well into the twentieth century. *Ho*, 147 F.3d at 864.

Asian American schoolchildren were among the first victims of the “separate-but-equal” doctrine created in *Plessy v. Ferguson*, 163 U.S. 537 (1896). The Court created the doctrine in a case where a black passenger attempted to board a “white” railway car. *Id.* In 1902, in *Wong Him v. Callahan*, 119 F. 381 (C.C.N.D. Cal. 1902), this doctrine was applied to schools when a court ruled that Chinese American children in San Francisco could be barred from

“white” schools because the “Chinese” school in Chinatown was “separate but equal.”

In *Gong Lum v. Rice*, 275 U.S. 78 (1927), the Supreme Court affirmed that the separate-but-equal doctrine applied to K-12 schools, finding that a nine-year-old Chinese-American girl in Mississippi could be denied entry to the local “white” school because she was a member of the “yellow” race. *Id.* at 87.

In *Ho v. San Francisco Unified Sch. Dist.*, 147 F.3d 854, a striking modern example of discrimination against Asian Americans, constituents of *amici curiae* were forced to engage in five years of vigorous litigation to end the San Francisco school district’s policy of assigning children to the city’s K-12 schools based on their race. *See id.*; *San Francisco NAACP v. San Francisco Unified. Sch. Dist.*, 59 F. Supp. 2d 1021 (N.D. Cal. 1999).

The *Ho* case was particularly ironic as just a few decades earlier, in *Lee v. Johnson*, 404 U.S. 1215, 1215-16 (1971), Supreme Court Justice Douglas, recognizing the long history of discrimination against Asian Americans in education, wrote: “Historically, California statutorily provided for the establishment of separate schools for children of Chinese ancestry.” *Id.* “That was the classic case of *de jure* segregation involved [and found unconstitutional] in *Brown v. Board of Education* [347 U.S. 483 (1954)]. . . . “ *Id.* “*Brown v. Board of Education* was not written for blacks alone. It rests on the Equal Protection Clause of the Fourteenth Amendment, one of the first

beneficiaries of which were the Chinese people of San Francisco.” *Id.*

Unfortunately, as demonstrated by Harvard, UNC and certain other selective institutions, the same discriminatory intent is alive today, now cloaked as a striving for “diversity.”

**III. THIS COURT SHOULD RE-EXAMINE  
THE HOLDING OF *GRUTTER V.  
BOLLINGER*, WHICH HAS NOT STOOD  
THE TEST OF TIME.**

**A. It is a Mistake to Elevate the Search  
for Diversity to a Compelling  
Government Interest Justifying  
Discrimination by Race.**

As this Court has stated in many of its past decisions, “[c]lassifications of citizens solely on the basis of race are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.” *Shaw v. Reno*, 509 U. S. 630, 643 (1993) (quoting *Hirabayashi v. United States*, 320 U.S. 81, 100 (1943)). Consistent with that principle, this Court’s jurisprudence taught that the Fourteenth Amendment’s prohibition against governmental use of race was absolute except where necessary to further the compelling interest of providing a remedy to individuals harmed by prior racial discrimination. “Modern equal protection doctrine has recognized only one such interest:

remediating the effects of racial discrimination.” *Metro Broadcasting, Inc. v. FCC*, 497 U.S. 547, 612 (1990).

In *Grutter v. Bollinger*, 539 U.S. 306 (2003), this Court departed from its long-held rule, and found that the University of Michigan law school was permitted, for pedagogical purposes, to use race to achieve a “critical mass” of minority students, in order to reap the “benefits that flow from diversity.” *Id.* at 330-333, 343. In *Fisher II*, 136 S. Ct. 2198, this Court applied the holding of *Grutter* to college admissions.

However, even in the pedagogical context, this Court still held that a race-conscious program needed to be examined under strict scrutiny, to determine whether it was necessary, and narrowly tailored to use race to the least degree needed to accomplish a legitimate purpose:

We have held that all racial classifications imposed by government “must be analyzed by a reviewing court under strict scrutiny.” This means that such classifications are constitutional only if they are narrowly tailored to further compelling governmental interests.

*Grutter, supra*, at 326 (internal citation omitted). Unfortunately, as the instant cases (and others) demonstrate, there is a fundamental contradiction

between diversity as a compelling government interest and the strict scrutiny standard.

The holding of *Grutter* has not stood the test of time. In reaching its decision in *Grutter*, this Court relied on Justice Powell’s dicta in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), and thus indirectly, on the tainted anti-Semitic Harvard admissions program of the 1920s.<sup>8</sup> The ruling in *Grutter* also opened the floodgates to allow universities and colleges to use race-conscious admissions to advance political agendas under the guise of a need for more diversity. As with Harvard and UNC, these institutions have ignored that *Grutter* allowed use of race only to the degree needed to create a “critical mass” of minority students.

Tellingly, the majority in *Grutter* acknowledged that in evaluating the academic benefits that flow from diversity, deference would need to be accorded the school conducting the discrimination, 539 U.S. at 330—something squarely at odds with the skepticism

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<sup>8</sup> Justice Powell’s statement in *Regents of the University of California v. Bakke*, 438 U.S. 265, that diversity might in some circumstances rise to a compelling government interest was *dicta* and not a holding, as the Court found the medical school admissions program at issue to be Unconstitutional. This *dicta* was also expressed in an opinion ascribed to only by *Justice Powell*. See 438 U.S. at 272, 320. While Justice Powell lauded Harvard College’s “soft” diversity-discretion model of affirmative action, he failed to recognize that the Harvard Plan had anti-Semitic roots, being designed to restrict enrollment of Jewish students in the 1920s. See Unz, *supra*, *The Myth of American Meritocracy*.

demanded by strict scrutiny. See *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 223 (1995). We can see the effect of this watering down of strict scrutiny here, where instead of subjecting the Harvard and UNC admissions programs to skeptical review, with the burden always on the school, the courts below deferred to school officials' determinations at every step of the inquiry.

It is time to return to a bright-line rule that allows schools to consider race only where strictly necessary to provide a remedy for their own prior *de jure* discrimination. See *Missouri v. Jenkins*, 515 U.S. 70, 115 (1995). Schools may not use race in an attempt to address past societal wrongs: “[U]nder our Constitution there can be no such thing as either a creditor or a debtor race. That concept is alien to the Constitution's focus upon the individual...” *Adarand*, 515 U.S. at 239 (Scalia, J., concurring). Similarly, schools should not be allowed to elevate a search for diversity, however laudable, to a compelling government interest that justifies race-conscious admissions. “[Diversity] is simply too amorphous, too insubstantial, and too unrelated to any legitimate basis for employing racial classifications....” *Metro Broadcasting*, 497 U.S. at 612 (O'Connor, J., dissenting). Admission to college should be based on the merits of the individual applicant, not the applicant's race.

**B. Race-Conscious Admissions Programs Are Incompatible with the Strict Scrutiny Standard.**

**1. Strict Scrutiny Requires Hostile Review, Not Deference to Those Carrying Out the Discrimination.**

In *Adarand*, this Court declared that the first principle in examining *any* use of race is “skepticism: ‘Any preference based on racial or ethnic criteria must necessarily receive a most searching examination.’” *Adarand*, 515 U.S. at 223 (citation omitted; emphasis added). Otherwise, “there is simply no way of determining...what classifications are in fact motivated by illegitimate notions of racial inferiority or simple racial politics.” *Id.* at 226 (quoting *Crosby*, 488 U. S. at 493).

Race-conscious admissions programs are incompatible with that bedrock principle of “skepticism.” True strict scrutiny requires an unsympathetic, skeptical examination of a school’s use of race, and not the highly deferential review the courts below accorded the Harvard and UNC admissions programs. Here, instead of conducting their own searching inquiries, the courts below did little more than determine that university officials had themselves made determinations that use of race was needed to achieve the “benefits of diversity,” then rubber-stamped those conclusions.



The hierarchy of races that Harvard imposes through the Personal rating—one that just happens to provide the preferences needed to maintain Harvard’s desired balance of races—strongly suggests that “racial politics” are at play. Harvard failed to prove a lawful reason for Asian Americans’ lower Personal ratings, and the district court found they *might* be due to biased admissions officers and overt discrimination. *Harvard*, 397 F. Supp. 3d at 168, 194; App. 193-94. Yet, the courts below resolved all doubts to favor Harvard. Similarly, with UNC, the court below ignored that UNC’s race-conscious program has the political goal of mirroring the racial demographics of North Carolina. UNC.Pet.App. 15 n. 7.

The record reveals UNC officials had never even assessed their use of race in terms of what was necessary to produce a “critical mass” of “underrepresented minorities,” UNC.Pet.App.54-55, a crucial step in crafting a narrowly-tailored program that uses race only to the degree necessary. Nevertheless, the court below did an end run around the narrowly tailored requirement and accepted UNC’s argument that it was sufficient it had considered its program in terms of the benefits of diversity: “Accordingly, the Court finds that UNC has defined the term “critical mass” ... by reference to the educational benefits of diversity this concept is designed to produce.” UNC.Pet.App.56-58.

The crux of the problem is that, with a central issue being the schools' own pedagogical need for diversity, the courts below were forced to defer to university officials and could not conduct the skeptical examination required by true strict scrutiny that is required to "smoke out" the "illegitimate uses of race." *Croson* 488 U. S. at 493.

**2. With Race Conscious Admissions, the School and Not the Court Effectively Decides Whether there was a Race-Neutral Alternative.**

The courts below deferred to university officials' own self-serving statements that race-neutral alternatives would not have achieved reasonable diversity goals. "[S]trict scrutiny imposes on the university the ultimate burden of demonstrating, *before* turning to racial classifications, that available, workable race-neutral alternatives do not suffice." *Fisher v. Univ. of Tex. at Austin (Fisher I)*, 133 S. Ct. 2411, 2420 (2013) (emphasis added). "Workable" does not mean perfection or exactly-the-same; it means "about as well . . ." *Id.* at 2420. In this analysis, "the University receives no deference." *Id.*<sup>9</sup>

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<sup>9</sup> Universities are able to achieve diversity without using race-conscious admissions, as at the University of California. *See UC System Admits Largest, Most Diverse Undergraduate Class*, AP News (Oct. 20, 2021), *found at* <https://apnews.com/article/education-race-and-ethnicity-79f7d0e7eb812ce36538b9e112c38956> (last visited 5/6/2022); *Race-Neutral Alternatives in Postsecondary Education: Innovative Approaches to Diversity*,

Harvard did not even consider alternatives to use of race until *after* the case against it was filed. *Harvard*, 397 F. Supp. 3d at 153. The courts below nonetheless deferred to Harvard for the “level of diversity” required, in finding that race-neutral alternatives would not have sufficed. *Harvard*, at 179. Similarly, UNC had workable race-neutral alternatives available that would have achieved campus diversity; but these were rejected because they would not have produced *exactly* the same results as use of race. UNC.Pet.App.131-32, 134, 136-37, 139-40 and n. 43; MDNC.Dkt. 154-22, Ex. 11, Tbl. 1, 251-1 at 38. UNC even rejected a Top Ten Percent Plan that would have *increased* URM enrollment slightly.<sup>10</sup>

The available race-neutral alternatives would have produced “critical masses” of minority students sufficient to provide “the educational benefits that flow from a diverse student body.” *Grutter*, 539 U.S. at 333, 343. Yet, even though these alternatives to race-conscious admission would have worked “about as well,” the courts below deferred to Harvard and

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*U.S. Department of Education Office for Civil Rights*, March 2003, found at <https://www2.ed.gov/about/offices/list/ocr/edlite-raceneutral-report.html> (last visited 5/6/2022);

<sup>10</sup> See *UNC-Amicus-Br., v. Univ. of Tex. at Austin*, No. 11-345 (S.Ct. Aug. 9, 2012), at 33-35, found at <https://www.scotusblog.com/wp-content/uploads/2016/08/11-345-respondent-amicus-UNCCH.pdf> (last visited 4/28/2022).

UNC officials—who, of course, had already decided that use of race was their preferred option.

**3. Race-Conscious Admissions Programs Lack an End Point and Will Continue in Perpetuity at the Whim of University Officials.**

As these cases demonstrate, if a search for diversity is allowed to rise to a compelling government interest, it is all too easy for universities like Harvard and UNC to reject all race-neutral alternatives, and to justify a race-conscious program in perpetuity by concocting ambiguous and ill-defined goals, ever shifting, backed by the self-serving statements of their officials and allied experts.

This Court has taught that, “all governmental use of race must have a logical end point.” *Grutter*, 539 U.S. at 342. However, as the Sixth Circuit accurately stated, “[u]nlike a remedial interest, an interest in academic diversity does not have a self-contained stopping point.” *Grutter v. Bollinger*, 288 F.3d 732, 751-52 (6th Cir. 2002).

It is clear that if universities are allowed to deem “diversity” a compelling interest justifying use of race so long as their own officials say it is necessary, their use of race will continue forever. Their discriminatory admissions programs will become precisely what this Court has warned against—“ageless in their reach into the past, and timeless in

their ability to affect the future.” *Croson*, 488 U.S. at 498 (citation omitted).

**IV. UNIVERSITIES SHOULD NOT BE ALLOWED TO USE RACE-CONSCIOUS ADMISSIONS IN A MISGUIDED EFFORT TO COVER UP FAILURES IN K-12 EDUCATION.**

**A. Universities’ Use of Race Ignores the Real Problems—and Makes them Worse.**

Harvard and UNC may patronizingly believe they are simply lifting up minority students who need help; but if so, they are wrong. Not only does race-conscious admissions favor well-off applicants of the favored minorities over disadvantaged individuals of other groups, it also has the effect of discriminating against American-born members of the minority communities it claims to benefit. *Top Colleges Take More Blacks, but Which Ones?* New York Times, June 24, 2004, *found at* <https://www.nytimes.com/2004/06/24/us/top-colleges-take-more-blacks-but-which-ones.html> (last visited 4/28/2022).

Decades of race-conscious college admissions has failed to improve education in black and Hispanic communities. *Even With Affirmative Action, Blacks and Hispanics Are More Underrepresented at Top Colleges Than 35 Years Ago*, New York Times, Aug. 24, 2017, *found at* <https://www.nytimes.com/>

interactive/ 2017/08/24/us/ affirmative-action .html (last visited 4/28/2022); see Jason R. Riley, *Please Stop Helping Us* (Encounter Books 2014) (affirmative action has resulted in fewer black college graduates).

### **B. Most Americans Disapprove of Race-Conscious Admissions.**

Universities that use race-conscious admissions in a misguided attempt to address failures in America's educational system are also out of step with the values of most Americans. This nation was founded on principles of egalitarianism and meritocracy. As a recent Pew Research Center poll shows, most Americans still believe in those principles. "The survey, conducted in March, asked more than 10,000 respondents what factors should matter for college admissions. In a landslide, respondents favored academic achievement over race and gender." *Americans for Merit-Based Admissions*, Wall Street Journal (April 28, 2022), found at [https://www.wsj.com/articles/americans-for-merit-based-admissions-pew-research-poll-ibram-x-kendi-11651181826?mod=trending\\_now\\_opn\\_2](https://www.wsj.com/articles/americans-for-merit-based-admissions-pew-research-poll-ibram-x-kendi-11651181826?mod=trending_now_opn_2) (last visited April 29, 2022).

Nearly three of four said race or ethnicity should not be a factor in admissions. That includes 59% of blacks, 68% of Hispanics, 63% of Asians and 62% of Democrats.

*Id.*

Instead of unlawfully discriminating by race at the college level, Harvard, UNC and other selective universities should instead use their enviable resources to work with local government and community groups to bolster early education in communities where K-12 resources are deficient, such as in certain inner cities. *See* Matt Zalasnick, *How Colleges Partner With K-12 On Student Success*, University Business, Oct. 17, 2019, found at <https://universitybusiness.com/colleges-partner-k-12-student-success/> (last visited 4/28/2022). Then, they would be contributing to a solution instead of making things worse by obfuscating the root causes of the problem while trammeling the rights of individuals.

### CONCLUSION

The “separate but equal” doctrine enunciated in *Plessy v. Ferguson*, 163 U.S. 537, at least implicitly acknowledged a right to the equal treatment it failed to provide. The holding of *Grutter v. Bollinger*, however, as interpreted by courts today, explicitly allows unequal treatment—all in the name of an Orwellian, skin-deep definition of diversity. If the trend it encourages is allowed to continue, the result will be to further devalue the rights of individuals, and the effect will extend beyond academia to balkanize American society into racial groups, each

pitted against the other in a zero sum game that can only lead to further racial tension and hostility.

It is time to return to a bright line rule that reserves governmental use of race for strictly remedial settings. Only then will an individual's right under the Fourteenth Amendment to be judged on his or her own merits be protected.

The Amici ask that this Court rule in favor of Petitioner, to allow Asian Americans the right promised in the Constitution to be treated as full Americans.

Respectfully submitted,

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## Appendix A

### A. Non-profit Organizations

1. 1441 Manufactured-Home Residents Association
2. 80-20 Initiative DC Chapter
3. ACP Foundation
4. America GanSu Friendship Association
5. American Asian Contractor Association
6. American Chinese Art Collector Association
7. American Chinese Culinary Foundation
8. American Chinese Medicine Association
9. American Coalition for Equality
10. American Entrepreneur Associations
11. American Fujian Hinhou Association
12. American Hindu Coalition
13. American Langqi Student Association
14. American Society of Engineers of Indian Origin-NCC
15. American Sports Development Committee
16. American WZ Education Foundation
17. Asian Action Network
18. Asian American Civic Engagement Alliance
19. Asian American Cohesion Foundation
20. Asian American Community Association
21. Asian American for Equal Rights
22. Asian American Freedom PAC
23. Asian American GOP Coalition
24. Asian American Rights Association
25. Asian American Women Empowerment
26. Asian Americans Against Affirmative Action
27. Asian Americans for Equal Rights
28. Asian Culture Alliance
29. Asian Pacific Islander American Public Affairs Association - Utah Chapter (APAPA-UTC)

30. Asian Parents for Educational Excellence
31. AsianAmericanVoters.org
32. Asians Not Brainwashed by Media
33. Association for Education Fairness
34. Associations for Justice
35. Austin Chinese Professional Association
36. Bay Area Homeowner Network
37. Beijing Association of Northern California
38. Better Milpitas
39. Boston Forward Foundation
40. Brookline Asian American Foundation
41. Brooklyn On Fun Association U.S.A.
42. California Association of Scholars
43. California Residents Union
44. California Singles Club
45. Cambridge Center For Chinese Culture
46. Care and Health Foundation
47. Carolinas Asian American Alliance
48. Cast Vote
49. CeeHuang Daoist RC
50. Center for Chinese Learning at Stony Brook
51. Central New York Chinese School
52. CHESSanity
53. China Rainbow Network
54. Chinese American Alliance
55. Chinese American Alliance For Trump
56. Chinese American Association of Bedford
57. Chinese American Association of Charlotte
58. Chinese American Association of Orange  
County
59. Chinese American Association of Sudbury
60. Chinese American Association of the Andovers
61. Chinese American Association of Tulsa
62. Chinese American Citizens Alliance (CACA  
Boston Lodge)

63. Chinese American Citizens Alliance-Greater San Gabriel Valley Lodge
64. Chinese American Civic Action Alliance
65. Chinese American Economic & Culture Association
66. Chinese American Equalization Association
67. Chinese American Heritage association inc
68. Chinese -American Nail Salon Association
69. Chinese American Parent Association of Howard County
70. Chinese American Parent Association of Loudoun County Virginia
71. Chinese American Parents Association of Montgomery County
72. Chinese American Parents Association of Northern Virginia
73. Chinese American Parent Association of Rose Tree Media School District
74. Chinese American Political Association (CAPA) PAC
75. Chinese American Professional Development Association
76. Chinese American Republicans of Massachusetts
77. Chinese Americans of Lexington (CALex)
78. Chinese Americans of Massachusetts
79. Chinese Americans Sport Shooting Club
80. Chinese Association for Progress and Equality
81. Chinese Association of Columbia
82. Chinese Association of Northwest Arkansas
83. Chinese Association of Science, Education and Culture of South Florida (CASEC)
84. Chinese Association, Inc.
85. Chinese Civil Rights League, Inc.
86. Chinese Club of Western New York

87. Chinese Community Center Capital District
88. Chinese Freemasons (NY)
89. Chinese Freemasons in Las Vegas
90. Chinese Friendship Association of Batonrouge
91. Chinese School Andover
92. Chinese Social Services Center
93. Chinese Sports Association Brooklyn
94. Coalition of Asian Americans for Civil Rights
95. Columbus Chinese association
96. Confucius Foundation
97. Councils of Maryland Korean Churches
98. Dallas Fort Worth Chinese Alliance (DFWCA)
99. Dallas Fort Worth Political Action Committee (DFWPAC)
100. Denver Chinese School
101. Education Advancement Fund International
102. Education Policy Observers
103. Emerald Parents Association
104. Evergreen Chinese American Association (ECAA)
105. Excellent Chinese School
106. Florida Acupuncture Association
107. Florida Guangdong Community Federation
108. Flying Fox Chinese Sports Council
109. Fujian Business Association
110. Fuzhou Tingjiang Huaqiao Alumni Associated USA
111. Gang Chen for City Council 2018
112. Global Exchange Education Center
113. Global Minority women Empowerment Organization
114. Global Organization of People of India Origin (GOPIO)
115. Greater Boston Fudan Alumni Association

116. Greater Charlotte Chinese American Conservatives
117. Greater Miami Asian Business Coalition
118. Greater Orlando Chinese Professionals Association
119. Greater Philadelphia Self Defense Association
120. Greater San Antonio Chinese Society of Professionals
121. Greater Shanghai Alliance of American
122. Greensboro Chinese Association
123. Guangxi University Alumni Association of America
124. HaiNan Association of America
125. Harrison Chinese Association
126. Help for Asian Americans with Addictions
127. Henan Chinese Associates USA Inc.
128. Hotel Chinese Association of USA
129. Houston Chinese Alliance
130. Houston Guangxi Association
131. Howard County Chinese School
132. Huagen Chinese School
133. Huaxia Chinese School of Greater New York
134. Huaxie Edison Chinese School
135. Huazhong University of Sci and Tech Alumni Association of Southern California
136. Hubei Association of Florida
137. Hubei Fellow Association of Washington Metropolitan Area
138. Hunan Benevolent Association of America
139. iBridge Foundation Inc
140. IDEA Education Foundation
141. INDOUS Chamber of Commerce of NE Florida
142. Inland Chinese-American Alliance
143. International Society for Environmental Education

144. Jilin Jilin Fellowship Group
145. Korean American Association of Arkansas
146. Korean American Association of Austin
147. Korean American Association of Chicago
148. Korean American Association of Cleveland
149. Korean American Association of Flushing
150. Korean American Association of Huston
151. Korean American Association of Killeen
152. Korean American Association of Los Angeles
153. Korean American Association of Michigan
154. Korean American Association of Minnesota
155. Korean American Association of Nevada
156. Korean American Association of New Jersey
157. Korean American Association of New Mexico
158. Korean American Association of New Orleans
159. Korean American Association of Ohio
160. Korean American Association of Peninsula, VA
161. Korean American Association of Pennsylvania
162. Korean American Association of Richmond
163. Korean American Association of Texas
164. Korean American Association of Washington
165. Korean American Association of Washington  
Metropolitan Area
166. Korean American Chamber of Commerce of San  
Diego County
167. Korean American Community of Metro Detroit
168. Korean American Greater Philadelphia  
Scholarship Foundation
169. Korean Association of Capital Region
170. Korean Association of Maryland
171. Korean Association of San Francisco CA
172. Korean Association Savannah
173. Lawrence Chinese Christian Fellowship
174. Legal Immigrants for America

175. Long Island Chinese American Association (LICAA)
176. Long Island School of Chinese
177. Maryland Chinese American Network (MD-CAN)
178. Massachusetts Beijing Chinese Language School
179. Michigan Chinese Alliance
180. Michigan Chinese Conservatives Alliance
181. Mid-Missouri Chinese Association
182. Millburn Short Hills Chinese Association
183. Minnesota Chinese Association
184. Montgomery County GOP Asian American Association (MCGOP-AAA)
185. Montgomery County Korean Association
186. Morris Chinese Academy
187. Nanjing University Alumni Association Florida Chapter
188. National Asian American Coalition
189. National Council of Chinese Americans (NCCA)
190. National Diversity Coalition
191. National Federation of Indian American Associations
192. National Republican Asian Assembly
193. New Hyde Park Chinese Association
194. New Jersey Chinese Community Center
195. New Jersey Double Eagle Shooting Team
196. New York Chinese United League
197. New York City Residents Alliance
198. New York Community League
199. New York Fushan Association Inc.
200. New York Hai Nan Townsmen
201. New York Laudromat Business Association
202. New York Shandong Association
203. Newton Alliance of Chinese Americans

204. North America Nanning Association
205. North American Maple Cultural Center of Florida
206. Northern California Chinese Culture Athletic Federation (NCCCAF)
207. Northern California Shaanxi Association
208. Northern New Jersey Huaxia Chinese School
209. OASIS Center International
210. Orange County Chinese Ladies Group
211. Orange County Herald Center
212. Orlando Chinese Association
213. Overseas Alumni Association of Shanghai Second Medical University (SJTUMS)
214. Pakistan Policy Institute
215. Pakistani American Volunteers
216. Patriotic Legal Immigrants USA, Inc
217. Philadelphia Tristate Chinese American Association (PTCAA)
218. Phoenix Us-China Arts and Education Exchange Center
219. Plano Table Tennis Club
220. Reading Chinese Association
221. Rotary Club of Huaren in Silicon Valley
222. San Antonio Chinese American Citizens Alliance
223. San Diego Asian Americans for Equality
224. SCV Chinese School
225. Shangder Academy of Classical Chinese
226. Shanxi Association of Silicon Valley
227. Sichuan University Alumni Association of Greater New York
228. Silicon Valley Foundation for Better Environment
229. Silicon Valley Women Alliance



230. Sino -America New York Brooklyn Archway Association Corp.
231. South Florida Chinese Business Association
232. Southern Connecticut Chinese School
233. Summit Chinese American Association
234. Sunshine Chinese Language and Art School
235. Sunshine Homes of Ohio
236. Surgeon Volunteers
237. SVCA Foundation
238. Texas Guizhou Association
239. The American Chinese School of Great Detroit
240. The Center for Race and Opportunity
241. The Chinese Nail Salon Association of East American
242. The Federation of World Korean Woman Association
243. The Greater San Antonio Chinese Chamber of Commerce
244. The Livingston Chinese Association
245. The Midwest Hunan Chamber of Commerce
246. The Orange Club
247. The Shanghai Association of America, Inc.
248. Tingling High School Alumnus Association of America
249. TLG Family Foundation
250. TOC Foundation
251. Tri Valley Asian Association
252. Tsinghua Club of Florida, Inc
253. U.S. Bei Shuang Association
254. U.S. Min Hou General Association
255. United Chinese Association of Brooklyn
256. United Chinese Association of Utah
257. United Community Oriented Development Association (UCODA)

258. United Federation of Indo Americans of California
259. United for a Better Community (UBC)
260. Universal Chinese Culture Recovery Foundation
261. University of California Alumni Association
262. Upper Dublin Chinese American Association
263. Urban United Association
264. US Asian American Culture & Art Association
265. US Chinese Learning Foundation
266. US Shandong Fellowship Association
267. US Sichuan Chongqing General Association Inc
268. US-China Friendship City Network
269. USTC Alumni Association of Southern California
270. Utah Chinese Golden Spike Association
271. UTPGE Chinese Alumni Association
272. Venus Chinese school
273. Virginia Korean American Society
274. Washington DC Chinese Network
275. Washington RiZing Economics and Fintech Educational Organization
276. WEL Education Group
277. West Windsor-Plainsboro Education Support Association
278. Westlake Chinese Culture Association
279. Wilmington Chinese American Culture Association
280. Women's Charity Foundation
281. World Hindu Council of America
282. Xiangtan University Alumni Association of North America
283. Youth American Chinese Commerce Association
284. Zhengyuan Culture Bridge

**B. Educational Institutions**

- 285. ACES Learning Center
- 286. Allstar Institute
- 287. America Earlier Education Center LLC
- 288. CodingKids
- 289. Denver Chinese School
- 290. Eastern Art Academy
- 291. First Han International Language School
- 292. Gauss Academy of Mathematical Education
- 293. HuaYi Education
- 294. Ivy Prep
- 295. Koo Chinese Academy
- 296. Lead for Future Academy
- 297. Millburn Institute of Talent
- 298. New Jersey International Students Service, LLC
- 299. Orange international Kindergarten
- 300. Palm Beach Chinese Academy
- 301. Shangder Academy of Classical Chinese
- 302. Student Partner In Learning
- 303. Wei Bo Learning Organization
- 304. Youth Education Success
- 305. Yuyue Chinese Tutoring, LLC

**C. Other Entities**

- 304. AE & LY MEDICAL ASSOCIATES, PLLC
- 305. Alpha internal medicine PC
- 306. Amei Inc.
- 307. ANJ International
- 308. Aroma Blessing Inc.
- 309. Bergen Chinese Group
- 310. Blusea International
- 311. Bowen Capital LLC
- 312. Chinese Trading and Investment Association
- 313. CustomizedApp
- 314. D Asian Media

315. D4Sue Inc
316. DMC DMC Corporation
317. Dynamicure biotech
318. Empower Management Inc.
319. Empower Team LLC
320. Environment Online Instruments LLC
321. Epoch Investment LLC
322. EZ Health
323. Global Life System Extension, Inc.
324. Global Hanin Yendai Inc
325. Green Bees Multicultural LLC
326. Hallmark Health
327. Harrison Station LLC
328. HZ Precision
329. iNegotiate LLC
330. J Real Estate
331. Jade Springs
332. J-Cheng Gene LLC
333. JIAHERB INC
334. JYC holdings, LLC
335. KAJI & ASSOCIATES
336. LAVA Electronics Inc.
337. Law Offices of Michael W. Lu, LLC
338. LI Youth Development Inc
339. Lonma Leather LLC
340. Luceon Infotech LLC
341. Materials Nova Inc.
342. Metro Star Media
343. NJ Chinese Media LLC
344. Noah Decoration LLC
345. Noble Tree Publishing Inc.
346. North American Economic Herald
347. Pacific Vision LLC
348. Preventive Medicine Institute
349. Project and Knowledge Concepts

- 350. Promising Analytical Consisting
- 351. Prosperity Asset Management LLC
- 352. Queenberry, Inc
- 353. Redwood Technique
- 354. Resources International Care of America inc
- 355. Sally's Group
- 356. Star River Inc.
- 357. Stephany Yingxin Mai PLLC
- 358. The First Wang, Inc
- 359. Tianjin LLC
- 360. Tift Gymnastics
- 361. Top Winner International Inc.
- 362. Tracy Leung, PsyD Private Practice
- 363. University Wireless LLC
- 364. V Care Home Health Services
- 365. Welcome Family Medicine, PA
- 366. Wen's Pearls
- 367. Yi-Radio
- 368. Zhu Law Office PLLC