

No. 20-1199

IN THE
Supreme Court Of The United States

STUDENTS FOR FAIR ADMISSIONS, INC,
Petitioner,

v.

**THE PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,**
Respondent.

**On Petition for a Writ of Certiorari to the First
Circuit Court of Appeals**

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

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I. THE INTEREST OF *AMICI CURIAE* ¹

This case is of critical importance to *amici curiae* and their constituents, most of whom are Americans of Asian ethnic descent. Asian Americans have historically faced discrimination and often violent acts of racial prejudice in education and other aspects of American life. This case is particularly poignant as recently the Asian American community has experienced a pandemic of raced-based violence—vulnerable Asian Americans have been viciously attacked and brutally murdered, in broad daylight, in the streets of American cities. *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 3/29/2021).

Members and constituents of *amici curiae* have gone through admissions processes at institutions where, as at Harvard College, their Asian ethnicity was considered less desirable because it was regarded as less “diverse.” Many of them have children who were denied entrance to or who may one day aspire to attend Harvard or another selective

¹ 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 been timely notified of and have given their consent to the filing of this *amici curiae* brief.

school with similar discriminatory admissions practices.

The Asian American Coalition for Education (“AACE”) is an apolitical, non-profit, national organization 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 children that the “professionals” ignore, downplay and facilitate.

In this *amici* filing, AACE represents the 346 Asian American and other organizations listed in Appendix 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 often 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 (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 and to grant *certiorari* in this critical case.

II. SUMMARY OF ARGUMENT

The evidence shows that Harvard unconstitutionally maintains *de facto* racial quotas by giving candidates of less “desirable” races—particularly Asian Americans—lower “Personal” ratings in a covert “closed door” process. The lowered Personal rating drastically diminishes the chances of admission. As the percentage of highly-qualified Asian American applicants in the admission pool has risen over time, Harvard has artificially depressed the Personal ratings assigned to Asian American applicants, so as to keep the percentage of Asian Americans in Harvard’s student body at a roughly constant level.²

² The percentage of Asian Americans applicants admitted to Harvard remained remarkably constant at slightly under 20 percent during a multi-decade period of time in which the number of Asian American applicants grew dramatically. JA5744; Ron Unz, *The Myth of American Meritocracy: How Corrupt are Ivy League Admissions?*, pgs. 17-22 (The American Conservative, Dec. 2012), at <https://www.theamerican>

Asian American applicants are assigned Personal ratings significantly lower on average than the ratings assigned to applicants *of all other ethnic groups*. The only way an Asian American candidate has any chance of admission to Harvard is to score higher than candidates of all other ethnicities on the remaining admission metrics.

The Personal rating purportedly reflects the candidate's human attributes such as "integrity, helpfulness, courage, kindness, fortitude, empathy, self-confidence, leadership ability, maturity, and grit." Assigning Asian Americans significantly lower Personal ratings falsely labels them as deficient in those qualities, and echoes the negative stereotypes long used to justify persecution of and violence against this historically disadvantaged group. It also eerily echoes what Harvard did in the 1920s to Jewish-American candidates so as to maintain a very similar quota. And, just as past anti-Semitic slurs spawned violence against Jews, today's libel similarly promotes violence against Asian Americans. *Hate Crimes Against Asian Americans Are on the Rise*, Time, Feb. 18, 2021, *found at* <https://time.com/5938482/asian-american-attacks/> (last visited 3/25/2021).

conservative.com/articles/the-myth-of-american-meritocracy/ (last checked 2/23/2021). Significantly, each time Harvard has been subject to a complaint or investigation, the percentage of Asian Americans admitted has increased slightly the following year.

Throughout much of their long history in this country, Asian Americans faced discrimination rationalized by depicting them as faceless members of a “yellow horde,” lacking the values and human attributes of other Americans. Case after case in America’s history bears witness to their long struggle to obtain fair treatment. It is thus horrifying to see Asian Americans once again subjected to negative stereotypes and discrimination—this time by one of America’s most respected educational institutions.

Making the situation worse, Harvard’s discrimination is also being emulated by other institutions. This widespread discrimination, copied across the nation, is causing real and tangible harm. The discrimination causes many Asian American children to feel a sense of inferiority, anger, and hopelessness in their academic endeavors.

Harvard’s racial stereotyping and discrimination have no place in America today. This Court should grant *certiorari* to stop Harvard’s unlawful use of race, and also so that it can clarify the standards applicable to a college’s use of race in the admissions process.

ARGUMENT

III. HARVARD’S USE OF THE “PERSONAL” RATING TO MAINTAIN *DE FACTO* RACIAL QUOTAS IS NOT ONLY UNLAWFUL BUT DEMEANS ALL ASIAN AMERICANS

A. Asian American Applicants are Systematically Given “Personal” Scores Significantly Lower Than Applicants of Other Ethnicities

The Court should grant *certiorari* to determine whether Harvard College may lawfully continue to mark down the “Personal” ratings assigned to Asian American applicants to “balance” the racial makeup of its student body.³ “The Personal score is

³ The entire Harvard admissions process is preoccupied with race. 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); JA2048:12-2049:1; JA4156; JA4011; JA4138-46. ‘Lopping,’ ‘Tips’ and the ‘Z-List’: *Bias Lawsuit Explores Harvard’s Admissions Secrets*, The New York Times, July 29, 2018, found at <https://www.nytimes.com/2018/07/29/us/harvard-admissions-Asian-Americans.html> (last visited 2/27/2021). “Lopping” is typically controlled by the most senior, and arguably most entrenched, admissions officers, with little objectivity or transparency, and consistently achieves Harvard’s racial enrollment goals.

dramatically important to admission to Harvard College.” Joint Appendix (“JA”) 465. Significantly, during a multi-decade period in which the percentage of qualified Asian Americans in the applicant pool steadily increased, the average Personal score given Asian American applicants decreased relative to other races, so as to keep the percentage of Asian Americans in the Harvard student body relatively constant at around 20 per cent. JA5744.

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.” Petition Appendix (“App.”) 19, 125.⁴ “[A] score of ‘1’ is ‘outstanding,’ a score of ‘2’ is ‘very strong,’ and a score of ‘3’ is ‘generally positive.’ Applicants who receive ratings of ‘4,’ ‘5,’ or ‘6’ are typically described as ‘bland or somewhat negative or immature,’ having ‘questionable personal qualities’ or ‘worrisome personal qualities,’ respectively.” *Id.* Harvard’s use of the Personal rating to “devalue” Asian American applicants demeans and dehumanizes members of this ethnic group by labelling them as somehow deficient in character.

⁴ The Personal rating is added to ratings for Academics, Extracurricular, and Athletics to produce an overall rating. App. 126-128. “Harvard acknowledges that admissions officers can and do take an applicant’s race into account when assigning an overall rating.” App. 21.

The effect of Harvard's manipulation of Personal ratings is not subtle. Fewer than 20% of applicants receive a 1 or 2, yet they represent 78% of the admitted class. JA4525; JA463-464. 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%. JA4535; JA463-468. The same hierarchy persists for the other deciles. *Id.* *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.

Harvard's use of the Personal rating to limit admission of Asian Americans is appalling and reinforces negative stereotypes historically used to justify discrimination and even violence against the Asian American community. Harvard "demeans 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). Harvard's maintenance of a relatively constant percentage of Asian Americans in its student body during a multi-decade period in which the percentage of highly-qualified Asian American applicants rose dramatically show it is engaged in racial balancing, exactly what the Supreme Court has warned against. "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*, 127 S. Ct. 2738, 2757 (2007) (citing cases).

B. The Low Personal Ratings Given Asian American Applicants are Baseless and Insulting and are Contradicted by the Assessments of Harvard’s Own Alumni Interviewers

Significantly, Harvard alumni interviewers, who actually meet with most applicants in person (unlike the internal admissions staff), rate Asian American applicants on average as high as applicants of other ethnicities in terms of character and personal attributes. *See Harvard*, 397 F. Supp. 3d at 162. That the in-person interview assessment is the correct one is supported by common sense, by Harvard’s failure and refusal to provide evidence of the purportedly deficient personalities of Asian Americans, and by outside studies showing that Asian Americans are not deficient in personal characteristics. *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 3/29/2021) (study of 100,000 undergraduate applicants to UCLA over three years found “essentially no correlation”

between race and personal attributes.)

C. In the Hierarchy of Race, Asian American Applicants Rank Lowest at Harvard

Through use of the Personal rating, Harvard essentially imposes a racial hierarchy, where African Americans are the most preferred, followed by Hispanics, followed by whites, and with Asians at the bottom as the least favored and the least likely to be admitted. JA4535; JA463-468. At trial, Harvard failed to provide any plausible race-neutral explanation for why African Americans and Hispanics are scored so much higher in their Personal ratings than whites and Asian Americans. *See* JA2227-2229; JA6005-06; *Harvard*, 397 F. Supp. 3d at 162; App. 180, 189-94. There really can be no non-discriminatory explanation for this racial hierarchy.

Even when an Asian American applicant is in a category that would normally receive preference—such as living in an underrepresented geographical area, or from a disadvantaged socioeconomic background—the Asian American applicant receives no preference but is discriminated *against*. As an 2013 investigation by Harvard’s own Office of Institutional Research (“OIR”) concluded, “While we find that low income students clearly receive a ‘tip’ in the admissions process, ... we see a negative effect

for Asian applicants.” JA3953; JA3957; JA1174-1177; JA844-845.

The evidence shows that Harvard’s bias extends even to its outreach. When Harvard sends letters inviting high school students in underserved rural regions to apply for admission, Asian Americans must score significantly higher on the PSAT than students of all other races to receive an invitation. App. 154-55.

IV. HARVARD IS UTILIZING THE SAME REPELLANT STEREOTYPES USED TO JUSTIFY DISCRIMINATION AND VIOLENCE AGAINST ASIAN AMERICANS THROUGHOUT AMERICA’S HISTORY

A. Persecution of Asian Americans as Faceless Members of a Despised Group Was the Shameful Norm

Through the method it uses to “balance” its student body, Harvard is perpetuating the same odious stereotypes historically used to justify discrimination and violence against Asian Americans—that they are “faceless” and deficient in the human qualities possessed by other Americans. Throughout much of American history, Asian Americans were marginalized and denied opportunities open to other Americans. *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 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 3/26/2021).⁵

The many court cases in which Asian Americans struggled for equal treatment provide a historical 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;

⁵ 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.*

differing in language, opinions, color, and physical 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 by San Francisco officials from returning to the city from a trip abroad.

B. The Chinese Exclusion Act

In 1882, in an extraordinary attack on equal protection, Congress passed the Chinese Exclusion Act, a national law enacted to prevent an entire ethnic group from immigrating to the United States. *See Chinese Immigration and the Chinese Exclusion Acts*, at <https://history.state.gov/milestones/1866-1898/chinese-immigration> (last visited 3/28/2021). Fueled by anti-Chinese hysteria and supported by societal leaders of the time, it 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.*

The Act was not repealed until 1943, when China was an ally of the United States in the war against the Empire of Japan. *Id.*

C. World War II Internment of Japanese-Americans

Perhaps the most egregious modern infringement of 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.⁶ Backed up by the statements of

⁶ 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

authorities and experts, who solemnly declared the discriminatory measure necessary, the internment of Americans on American soil was allowed by the United States Supreme Court. *See Hirabayashi v. United States*, 320 U.S. 81 (1943). Only decades later was it acknowledged there was 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 Long 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 citizens. 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->

excluded as protection against espionage and sabotage.” Congress enacted § 97a of Title 18 of the United States Code, 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 3/29/2021). Alas, that sentiment did not extend to Asian Americans, who often faced formidable discrimination in public education.

In Tape v. Hurley, 66 Cal. 473, 6 P. 12 (1885), it took a court battle to force San Francisco public 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, the California legislature authorized “Chinese” schools to which Chinese-American schoolchildren were restricted until well into the twentieth century. *Ho v. San Francisco Unified Sch. Dist.*, 147 F.3d 854, 864 (1998).

Asian American schoolchildren were among the first targets of the “separate-but-equal” doctrine created in *Plessy v. Ferguson*, 163 U.S. 537 (1896). The Supreme Court created the doctrine in a case where a black passenger attempted to board a “white” railway car. *Id.* 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 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.*, *supra*, 147 F.3d 854, a striking modern example of discrimination, 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 (1999).

The *Ho* case was particularly ironic as earlier, in *Lee v. Johnson*, 404 U.S. 1215, 1215-16 (1971), recognizing the long history of discrimination against Asian Americans in education, Justice Douglas had written: “Historically, California statutorily provided for the establishment of separate schools for children of Chinese ancestry. That was the classic case of *de jure* segregation involved in *Brown v. Board of Education* [347 U.S. 483 (1954)]. . . *Brown v. Board of Education* [which abolished the separate-but-equal doctrine] 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.”

V. HARVARD'S DISCRIMINATION CAUSES PROFOUND INJURY TO ASIAN AMERICAN STUDENTS AT ALL LEVELS

A. The Burden Of Harvard's "Handicapping" of Asian Americans Falls Heaviest on those Least Able to Bear It

Perversely, the burden of Harvard's discrimination falls heaviest on the most disadvantaged Asian American individuals.

It would be a mistake to reason that because Asian American students who aspire to Harvard apply with high GPAs and test scores, that conditions are merely being "equalized" by Harvard's discrimination and that no one is really being "hurt." First, 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). But here, what happens is that the best prepared, more socioeconomically advantaged Asian American candidates may still gain entry to Harvard in spite of the ethnic "handicap." They fill the "Asian" quota, while less advantaged Asian American candidates who are not as well prepared are left out. That this is indeed what is happening is shown by the 2013 OIR study, which found that, while socioeconomically disadvantaged applicants of all other races received a "tip" in the admissions process, the reverse was true

for Asian American applicants, who were less likely to gain entry. JA3953; 3957; *Harvard*, 397 F. Supp. 3d at 151 (“only demographic group for which OIR’s analysis returned a negative coefficient was “Asian”); App. 148.

B. Imposing Higher Admissions Standards On Asian American Children Leads To Unbearable Study Loads, Stress, Depression and Other Psychological Harm

Harvard’s *de facto* higher admissions bar for Asian American applicants is emulated by other selective colleges. Preparing for college is daunting for all high school students; and this higher bar makes the process even worse for Asian Americans students. Filled with despair because they know they will face formidable additional barriers in the admissions process, many Asian American students undertake overwhelming study loads, literally working themselves into ill health. They suffer high rates of anxiety and depression, and increased incidence of 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 3/29/2021); see Unz, Ron, *supra*, *The Myth of*

American Meritocracy, at 21 (“[T]hese leading academic institutions have placed a rather strict upper limit on actual Asian enrollment, forcing these Asian students to compete more and more fiercely for a very restricted number of openings. . . .”)

When Asian American kids learn that they face barriers because of their race, and are deemed to contribute “less” to “diversity,” they often want to deny or repudiate their ethnic heritage. 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 3/28/2021) (citing sources).

C. The Terrible Effect on the Dignity and Self Worth of Asian Americans Who Know They Will Be Subjected To Unequal Treatment if They are Seen as “Asian”

Classification by race, here for the purpose of scoring Asian American candidates as deficient in Personal characteristics, inevitably promotes feelings of “racial inferiority” and “racial hostility.” *Richmond v. J. A. Croson Co.*, 488 U. S. 469, 493-94 (1989). In American education today, it has produced a

pernicious regime in which it is viewed as somehow shameful to be seen as “Asian.”

As Lee Cheng, Secretary of AALF, testified in hearings held by 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 Hearings (June 1, 1995), p. 241, *found at* http://www.archive.org/stream/grouppreferences00unit/grouppreferences00unit_djvu.txt (last visited 3/28/2021).

College admissions consultants openly advise that being Asian American is a liability and that applicants should try to conceal their race:

“Brian Taylor is director of Ivy Coach, a Manhattan company that advises families on how to get their students into elite colleges. . . ‘While it is controversial, this is what we do,’ he says. ‘We will make them appear less Asian when they apply.’”

. . .

Chen founded Asian Advantage College Consulting . . . “The admissions officers are seeing a bunch of people who all look alike: high test scores, high grades, many play musical instruments and

tend not to engage in more physical sports like football,” Chen says. If students come to him early in high school, Chen will direct them to “switch to another musical instrument” or “play a sport a little bit out of their element.” And for the college essay, don’t write about your immigrant family . . .”

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/Ew7g4JiQMiqYNQlIwqEIuO/story.html> (last visited 3/28/2021).

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> (last visited 3/27/2021).

Only Asian American children have to hide that they want to be violinists or pianists, or doctors or scientists. Only they are told that it might be fatal to their college admission chances to provide a photograph that reveals their race. This cannot be right. American children should not need to feel that they will be discriminated against in education unless they hide their ethnic heritage.

VI. THE COURT OF APPEALS FAILED TO SUBJECT THE HARVARD ADMISSIONS PROGRAM TO THE HOSTILE AND SKEPTICAL REVIEW REQUIRED UNDER TRUE STRICT SCRUTINY

A. The Court of Appeals Improperly Deferred to Harvard’s Self-Serving Testimony, Resolving Doubts in Harvard’s Favor

This Court should grant *certiorari* to clarify that strict scrutiny requires an unsympathetic, skeptical examination of a school’s use of race—and not the highly deferential review given Harvard’s admissions program. Even if we accept, as the courts below did, that Harvard’s motives are benign, in *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995), this Court rejected the idea that “benign” use of race merits more lenient review, declaring 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*, at 223, 227-28 (citation omitted). Without a skeptical review, there is no way to know “what classifications are in fact motivated by illegitimate notions of racial inferiority or simple racial politics.” *Id.* at 226.

Even leaving aside Harvard’s admitted use of race when it applies the “overall” rating, the hierarchy of races imposed through the Personal rating—one that just happens to provide the preferences needed to maintain Harvard’s 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, all doubts were resolved to favor Harvard and, improperly deferring to Harvard and its experts, the courts below failed to apply true skeptical review to “smoke out” the “illegitimate use[] of race.” *Crosby* 488 U. S. at 493.

B. The Courts Below Ignored Evidence That Race-Neutral Alternatives Would Have Met Any Legitimate Goals

Similarly, the Courts below improperly deferred to Harvard’s own conclusory statements that race-neutral alternatives would not have sufficed to meet 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*, 133 S. Ct. 2411, 2420 (2013) (emphasis added). “Workable” does not mean perfection; it means “about as well . . .” *Id.* at 2420. In this analysis, “the University receives no deference.” *Id.*

It is outrageous that Harvard did not even consider alternatives to use of race until after this case was filed. App. 152-53. Harvard’s failure to use race-neutral alternatives is particularly inexcusable given its unmatched resources, which should have enabled it easily to do what other less well-endowed institutions have done. See *Race-Neutral Alternatives in Postsecondary Education: Innovative Approaches to Diversity*, U.S. Department of Education Office for Civil Rights, March 2003, found at <https://www2.ed.gov/about/offices/list/ocr/edlite-raceneutralreport.html> (last visited 3/27/2021). As the record shows, there were race-neutral alternatives that would have worked “about as well,” producing almost the same racial diversity and superior economic diversity. JA1491:15-1505:18; JA5983-88. Instead, Harvard chose to use race, and in a manner that disparages all Asian Americans.

**VII. THIS COURT SHOULD GRANT
CERTIORARI TO REEXAMINE
WHETHER RACE MAY BE USED BY
SCHOOLS OUTSIDE OF A REMEDIAL
CONTEXT**

The United States Constitution and Title VI of the 1964 Civil Rights Act prohibit discrimination by race. As this Court has long taught, “[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) (internal quotes omitted). Consistent with that principle, universities should not be allowed to use race except where necessary to provide a remedy for prior *de jure* discrimination. Diversity is “simply too amorphous, too insubstantial, and too unrelated to any legitimate basis for employing racial classifications....” *Metro Broadcasting, Inc. v. FCC*, 497 U.S. 547, 612 (1990) (O’Connor, J., dissenting). As this case demonstrates, if a search for diversity is allowed to rise to a compelling government interest, it is all too easy for school officials to justify any race balancing program by concocting ambiguous and ill-defined pedagogical goals, backed by the self-serving statements of school officials and their allied experts.

Until *Grutter v. Bollinger*, 539 U.S. 306 (2003), this Court’s jurisprudence taught that the Fourteenth Amendment’s prohibition against the use of race was absolute except where it was necessary to

further the compelling government interest of providing a remedy to individuals subjected to prior racial discrimination. In *Grutter*, this Court held that the University of Michigan law school was permitted, for pedagogical purposes, to use race to achieve a “critical mass” of minority students. *Id.* at 330. In reaching its decision, this Court relied on Justice Powell’s dicta in *Bake* and, indirectly, on the tainted anti-Semitic Harvard admissions program of the 1920s.⁷

Amici curiae urge this Court to revisit *Grutter* and reconsider the use of race in school admissions. As this Court warned in *Croson*, 488 U.S. 469, unless racial classifications are “reserved for remedial settings, they may in fact promote notions of racial inferiority and lead to the politics of racial hostility.” *Id.* at 493. That is exactly what is happening here. As stated by the dissent in *Metro Broadcasting*, 497 U.S. 547, later vindicated by this Court in *Adarand*, 515 U.S. 200, “[m]odern equal protection doctrine has

⁷ Justice Powell’s statement in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), that diversity might in some circumstances rise to a compelling government interest does not constitute a holding supporting use of race in education by the Supreme Court. The medical school admission program at issue in that case was found unconstitutional; so the statement was *dicta*. Furthermore, it was expressed in an opinion ascribed to *only by Justice Powell*. See 438 U.S. at 272, 320. Interestingly, Justice Powell’s dicta expressly lauded Harvard College’s “soft” diversity-discretion model of affirmative action, but failed to consider that the Harvard Plan had anti-Semitic roots, being designed to restrict enrollment of Jewish students. JA1666:9-14; JA3688-89.

recognized only one such interest: remedying the effects of racial discrimination.” *Metro Broadcasting*, 497 U.S. at 612 (O’Connor, J., dissenting). It is time to return to that bright-line rule.

Grutter itself reveals the constitutional awkwardness of elevating diversity to a compelling government interest. The opinion in *Grutter* acknowledges that in evaluating the academic benefits that flow from diversity, certain deference must be accorded to the school conducting the discrimination, 539 U.S. at 330, something squarely at odds with the skepticism demanded by strict scrutiny. See *Adarand*, 515 U.S. at 223. Similarly, this Court has held that, “all governmental use of race must have a logical end point.” *Grutter*, 539 US 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). That presents a most serious problem. If Harvard and other elite schools are allowed to consider “diversity” a compelling interest justifying use of race, there is no logical end point, and they will continue using race forever. Their discriminatory admissions programs will become exactly 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 (internal quotation marks omitted). The result will be to ignore the rights of individuals, and to

balkanize American students into racial groups, with each group pitted against the other in a zero sum game that can only lead to further racial hostility.

VIII. FAILURES IN K-12 EDUCATION CANNOT JUSTIFY RACIAL DISCRIMINATION IN COLLEGE ADMISSIONS

To the extent Harvard desires to help the disadvantaged, that is a laudable aspiration; but institutionalized racism is not the answer. Not only does race-based admission favor well-off African American and Hispanic applicants over disadvantaged Asian and white candidates, it also discriminates 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 3/24/2021) (a majority of black students at Harvard are from other countries or mixed families). Decades of race-based college admission 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 3/24/2021); see Jason R. Riley, *Please Stop Helping Us* (Encounter

Books 2014) (affirmative action has resulted in fewer black college graduates).

Harvard and other elite colleges should instead use their enviable resources to work with local government entities and community groups to bolster early education in communities where K-12 resources are deficient. 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 2/27/2021). Then, they will be contributing to a solution instead of making things worse by obfuscating the root causes of the problem.

IX. CONCLUSION

Harvard's use of race stigmatizes and causes grave and irreparable harm to individual applicants and to the entire Asian American community. Over 60 years ago, in *Brown v. Board of Education*, 347 U.S. 483, this Court recognized the inherent injury to individuals when schools admit students on the basis of race, and found that such discrimination was unlawful, whatever the stated justification. That same reasoning should apply here today.

Accordingly, this Court should grant *certiorari*.

Respectfully submitted,

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Appendix A

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 American Civic Engagement Alliance
18. Asian American Cohesion Foundation
19. Asian American Community Association
20. Asian American GOP Coalition
21. Asian American Rights Association
22. Asian American Women Empowerment
23. Asian Americans Against Affirmative Action
24. Asian Americans for Equal Rights
25. Asian Culture Alliance
26. Asian Pacific American Task Force of Maryland

27. Asian Pacific Islander American Public Affairs Association - Utah Chapter (APAPA-UTC)
28. Asian Parents for Educational Excellence
29. AsianAmericanVoters.org
30. Asians Not Brainwashed by Media
31. Association for Education Fairness
32. Associations for Justice
33. Austin Chinese Professional Association
34. Bay Area Homeowner Network
35. Beijing Association of Northern California
36. Better Milpitas
37. Boston Forward Foundation
38. Brookline Asian American Foundation
39. Brooklyn On Fun Association U.S.A.
40. California Association of Scholars
41. California Singles Club
42. Cambridge Center For Chinese Culture
43. Carolinas Asian American Alliance
44. Cast Vote
45. CeeHuang Daoist RC
46. Center for Chinese Learning at Stony Brook
47. CHESSanity
48. China Rainbow Network
49. Chinese American Alliance
50. Chinese American Alliance For Trump
51. Chinese American Association of Bedford
52. Chinese American Association of Orange County
53. Chinese American Association of the Andovers
54. Chinese American Association of Tulsa

55. Chinese American Citizens Alliance (CACA
Boston Lodge)
56. Chinese American Citizens Alliance-Greater
San Gabriel Valley Lodge
57. Chinese American Civic Action Alliance
58. Chinese American Economic & Culture
Association
59. Chinese American Equalization Association
(HQH)
60. Chinese American Heritage Association
61. Chinese -American Nail Salon Association
62. Chinese American Parent Association of
Howard County
63. Chinese American Parent Association of
Loudoun County Virginia
64. Chinese American Parents Association of
Montgomery County
65. Chinese American Parents Association of
Northern Virginia
66. Chinese American Professional Development
Association
67. Chinese American Republicans of
Massachusetts
68. Chinese Americans of Lexington (CALex)
69. Chinese Americans of Massachusetts
70. Chinese Americans Sport Shooting Club
71. Chinese Association for Progress and Equality
72. Chinese Association of Northwest Arkansas
73. Chinese Association of Science, Education and
Culture of South Florida (CASEC)
74. Chinese Association, Inc.

75. Chinese Civil Rights League, Inc.
76. Chinese Club of Western New York
77. Chinese Freemasons (NY)
78. Chinese Freemasons in Las Vegas
79. Chinese Friendship Association of Baton Rouge
80. Chinese School Andover
81. Chinese Social Service Center
82. Chinese Sports Association Brooklyn
83. Coalition of Asian Americans for Civil Rights
84. Columbus Chinese association
85. Confucius Foundation
86. Connecticut Parent Union
87. Councils of Maryland Korean Churches
88. Dallas Fort Worth Chinese Alliance (DFWCA)
89. Dallas Fort Worth Political Action Committee (DFWPAC)
90. Denver Chinese School
91. Education Advancement Fund International
92. Education Policy Observers
93. Emerald Parents Association
94. Evergreen Chinese American Association (ECAA)
95. Excellent Chinese School
96. Florida Acupuncture Association
97. Florida Guangdong Community Federation
98. Flying Fox Chinese Sports Council
99. Fujian Business Association
100. Fuzhou Tingjiang Huaqiao Alumni Associated USA
101. Global Exchange Education Center

102. Global Minority women Empowerment Organization
103. Global Organization of People of India Origin (GOPIO)
104. Greater Boston Fudan Alumni Association
105. Greater Charlotte Chinese American Conservatives
106. Greater Miami Asian Business Coalition
107. Greater Orlando Chinese Professionals Association
108. Greater Philadelphia Self Defense Association
109. Greater San Antonio Chinese Society of Professionals
110. Greater Shanghai Alliance of American
111. Greensboro Chinese Association
112. Guangxi University Alumni Association of America
113. HaiNan Association of America
114. Harrison Chinese Association
115. Help for Asian Americans With Addictions
116. Henan Chinese Associates USA Inc.
117. Hotel Chinese Association of USA
118. Houston Chinese Alliance
119. Houston Guangxi Association
120. Huagen Chinese School
121. Huaxia Chinese School of Greater New York
122. Huaxie Edison Chinese School
123. Huazhong University of Sci and Tech Alumni Association of Southern California
124. Hubei Association of Florida

125. Hubei Fellow Association of Washington
Metropolitan Area
126. Hunan Benevolent Association of America
127. iBridge Foundation Inc
128. INDOUS Chamber of Commerce of NE
Florida
129. Inland Chinese-American Alliance
130. International Society for Environmental
Education
131. Jilin Jilin Fellowship Group
132. Korean American Association of Arkansas
133. Korean American Association of Austin
134. Korean American Association of Chicago
135. Korean American Association of Cleveland
136. Korean American Association of Flushing
137. Korean American Association of Huston
138. Korean American Association of Killeen
139. Korean American Association of Los Angeles
140. Korean American Association of Michigan
141. Korean American Association of Minnesota
142. Korean American Association of Nevada
143. Korean American Association of New Jersey
144. Korean American Association of New Mexico
145. Korean American Association of New
Orleans
146. Korean American Association of Ohio
147. Korean American Association of Peninsula,
VA
148. Korean American Association of
Pennsylvania
149. Korean American Association of Richmond

150. Korean American Association of Texas
151. Korean American Association of Washington
152. Korean American Association of Washington Metropolitan Area
153. Korean American Chamber of Commerce of San Diego County
154. Korean American Community of Metro Detroit
155. Korean American Greater Philadelphia Scholarship Foundation
156. Korean Association of Capital Region
157. Korean Association of Maryland
158. Korean Association of San Francisco CA
159. Korean Association Savannah
160. Lawrence Chinese Christian Fellowship
161. Legal Immigrants for America
162. Livingston Chinese Association
163. Long Island Chinese American Association (LICAA)
164. Long Island School of Chinese
165. Maryland Chinese American Network (MD-CAN)
166. Massachusetts Beijing Chinese Language School
167. Michigan Chinese Alliance
168. Michigan Chinese Conservatives Alliance
169. Mid-Missouri Chinese Association
170. Millburn Short Hills Chinese Association
171. Minnesota Chinese Association
172. Montgomery County GOP Asian American Association (MCGOP-AAA)

173. Montgomery County Korean Association
174. Morris Chinese Academy
175. Nanjing University Alumni Association
Florida Chapter
176. National Council of Chinese Americans
(NCCA)
177. National Federation of Indian American
Associations
178. National Republican Asian Assembly
179. New Hyde Park Chinese Association
180. New Jersey Chinese Community Center
181. New Jersey Double Eagle Shooting Team
182. New York Chinese United League
183. New York City Residents Alliance
184. New York Community League
185. New York Fushan Association Inc.
186. New York Hai Nan Townsmen
187. New York Shandong Association
188. Newton Alliance of Chinese Americans
189. North America Nanning Association
190. North American Maple Cultural Center of
Florida
191. Northern California Chinese Culture
Athletic Federation (NCCCAF)
192. Northern California Shaanxi Association
193. Northern New Jersey Huaxia Chinese School
194. NY Laundromat Business Association
195. Orange County Chinese Ladies Group
196. Orange County Herald Center
197. Orlando Chinese Association

198. Overseas Alumni Association of Shanghai
Second Medical University (SJTUMS)
199. Pakistan Policy Institute
200. Pakistani American Volunteers
201. Patriotic Legal Immigrants USA, Inc
202. Philadelphia Tristate Chinese American
Association (PTCAA)
203. Phoenix Us-China Arts and Education
Exchange Center
204. Plano Table Tennis Club
205. Reading Chinese Association
206. Rotary Club of Huaren in Silicon Valley
207. San Antonio Chinese American Citizens
Alliance
208. San Diego Asian Americans For Equality
209. SCV Chinese School
210. Shangder Academy of Classical Chinese
211. Shanxi Association of Silicon Valley
212. Sichuan University Alumni Association of
Greater New York
213. Silicon Valley Foundation for Better
Environment
214. Silicon Valley Women Alliance
215. Sino -America New York Brooklyn Archway
Association Corp.
216. South Florida Chinese Business Association
217. Southern Connecticut Chinese School
218. Sunshine Chinese Language and Art School
219. Sunshine Homes of Ohio
220. Surgeon Volunteers
221. SVCA Foundation

- 222. Texas Guizhou Association
- 223. The American Chinese School of Great
Detroit
- 224. The Center for Race and Opportunity
- 225. The Chinese Nail Salon Association of East
American
- 226. The Federation of World Korean Woman
Association
- 227. The Greater San Antonio Chinese Chamber
of Commerce
- 228. The Midwest Hunan Chamber of Commerce
- 229. The Orange Club
- 230. The Shanghai Association of America, Inc.
- 231. Tingling High School Alumnus Association of
America
- 232. TLG Family Foundation
- 233. TOC Foundation
- 234. Tri Valley Asian Association
- 235. Tsinghua Club of Florida, Inc
- 236. U.S. Bei Shuang Association
- 237. U.S. Min Hou General Association
- 238. U.S. Sichuan Chongqing General Association
& General Commerce Group, Inc.
- 239. United Chinese Association of Brooklyn
- 240. United Chinese Association of Utah
- 241. United Community Oriented Community
Development Association (UCODA)
- 242. United Federation of Indo Americans of
California
- 243. United for a Better Community (UBC)
- 244. University of California Alumni Association

245. Upper Dublin Chinese American Association
246. Urban United Association
247. US Asian American Culture & Art Association
248. US Chinese Learning Foundation
249. US Shandong Fellowship Association
250. US-China Friendship City Network
251. USTC Alumni Association of Southern California
252. Utah Chinese Golden Spike Association
253. UTPGE Chinese Alumni Association
254. Venus Chinese school
255. Virginia Korean American Society
256. Washington DC Chinese Network
257. Washington RiZing Economics And Fintech Educational Organization
258. WEL Education Group
259. West Windsor-Plainsboro Education Support Association
260. Westlake Chinese Culture Association
261. Women's Charity Foundation
262. World Hindu Council of America
263. Xi'an Jiaotong university alumni association of Northern California
264. Xiangtan University Alumni Association of North America
265. Youth American Chinese Commerce Association
266. Zhengyuan Culture Bridge
267. ACES Learning Center
268. Allstar Institute

269. America Earlier Education Center LLC
270. CodingKids
271. Denver Chinese School
272. Eastern Art Academy
273. First Han International Language School
274. Gauss Academy of Mathematical Education
275. HuaYi Education
276. Ivy Prep
277. Koo Chinese Academy
278. Lead for Future Academy
279. Millburn Institute of Talent
280. Orange international Kindergarten
281. Palm Beach Chinese Academy
282. Student Partner In Learning
283. Wei Bo Learning Organization
284. Youth Education Success
285. Yuyue Chinese Tutoring, LLC
286. AE & LY MEDICAL ASSOCIATES, PLLC
287. Alpha internal medicine PC
288. Amei Inc
289. ANJ International
290. Bergen Chinese Group
291. Bluesea International
292. Bowen Capital LLC
293. Customized App
294. D Asian Media
295. D4Sue Inc
296. DMC Corporation
297. Dynamicure Biotech
298. Empower Management Inc.
299. Environment Online Instruments LLC

- 300. Epoch Investment LLC
- 301. EZ Health
- 302. Global Life System Extension, Inc.
- 303. Global Hanin Yendai Inc
- 304. Green Bees Multicultural LLC
- 305. Hallmark Health
- 306. Harrison Station LLC
- 307. HZ Precision
- 308. iNegotiate LLC
- 309. J Real Estate
- 310. Jade Springs
- 311. J-Cheng Gene LLC
- 312. JIAHERB INC
- 313. JYC holdings, LLC
- 314. KAJI & ASSOCIATES
- 315. LAVA Electronics Inc.
- 316. Law Offices of Michael W. Lu, LLC
- 317. Lonma Leather LLC
- 318. Luceon Infotech LLC
- 319. Metro Star Media
- 320. New Jersey International Students Service,
LLC
- 321. NJ Chinese Media LLC
- 322. Noah Decoration LLC
- 323. Noble Tree Publishing Inc.
- 324. North American Economic Herald
- 325. Pacific Vision LLC
- 326. Preventive Medicine Institute
- 327. Project and Knowledge Concepts
- 328. Promising Analytical Consisting
- 329. Prosperity Asset Management LLC

- 330. Queenberry, Inc
- 331. Redwood Technique
- 332. Resources International Care of America inc
- 333. Sally's Group
- 334. Star River Inc.
- 335. Stephany Yingxin Mai PLLC
- 336. The First Wang, Inc
- 337. Tianjin LLC
- 338. Tift Gymnastics
- 339. Top Winner International Inc.
- 340. Tracy Leung, PsyD Private Practice
- 341. University Wireless LLC
- 342. V Care Home Health Services
- 343. Welcome Family Medicine, PA
- 344. Wen's Pearls
- 345. Yi-radio
- 346. Zhu Law Office PLLC