



PRESS RELEASE

THE LOUIS D. BRANDEIS CENTER FOR HUMAN RIGHTS UNDER LAW AND THE SILICON VALLEY CHINESE ASSOCIATION FOUNDATION FILE A BRIEF WITH THE U.S. SUPREME COURT IN THE HARVARD CASE

Harvard's discrimination against Asian-American applicants is similar to its discriminatory actions against Jewish applicants in the 1920s and 1930s

CHARLOTTE, NC, March 31, 2021 – The Louis D. Brandeis Center for Human Rights Under Law and the Silicon Valley Chinese Association Foundation filed a brief *amicus curiae* in the U.S. Supreme Court in connection with the Harvard discrimination case, *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*. The parties urge the Court to review the decision of the lower court by granting the pending petition for a writ of certiorari filed by SFFA on February 25, 2021.

The brief describes in great detail the reprehensible history of discrimination by Harvard against Jewish applicants in the 1920s and 1930s. The parties demonstrate to the Court that Harvard's discriminatory actions today against Asian-American applicants are no different than the actions Harvard took against Jews.

In 1922, when the Jewish population at Harvard reached 21.5 percent, then-Harvard President A. Lawrence Lowell stated that Harvard had a "Jew problem," and he sought to implement a 15% quota on Jewish enrollment. Within a few years, Harvard began to limit admissions to students of suitable "character and fitness." The character and fitness rationale, in Harvard's view, gave it a reason to refuse admission to Jews, who were understood by Harvard to possess the characteristics of individuals who lack strong character and the fitness to be successful at Harvard.

One hundred years later, Harvard still discriminates on the basis of race and ethnicity. Today, Harvard uses the "student-body diversity" rationale to discriminate against Asian-American applicants. Like the Jewish applicants of the 1920s and 1930s, Asian-American admissions at Harvard were soaring in the 1980s. And as it did with the Jews, Harvard implemented a quota on Asian-American enrollment by using a subjective "personal rating" that was applied with prejudicial assumptions and stereotypes in order to justify a discriminatory reduction in admissions.

The Louis D. Brandeis Center for Human Rights Under Law is an independent, non-partisan institution for public interest advocacy, research, and education. The Center's mission is to advance the civil and human rights of the Jewish people and to promote justice for all. The Center's education, research, and advocacy focus especially, but not exclusively, on the problem of anti-Semitism on college and university campuses.

The Silicon Valley Chinese Association Foundation is a nonprofit organization that advances better integration of Chinese communities in Silicon Valley and its neighboring areas by (1) providing education to Chinese communities on legal and political systems in California and the nation; (2) encouraging active civic engagement and political participation by Chinese communities; and (3) promoting the recognition of Chinese communities' contributions.

The parties are represented by Jonathan Vogel of Vogel Law Firm. Vogel is a former deputy general counsel at the U.S. Department of Education and a former civil rights attorney and prosecutor at the U.S. Department of Justice.

About Vogel Law Firm:

Vogel Law Firm is a boutique education law firm focused on legal issues that arise in K-12, higher education, and student loans. The firm provides a wide range of education law services to families, students, and borrowers, as well as to colleges, universities, and higher education finance and technology organizations.

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