



**Opening Statement of LDF Assistant Counsel Jennifer A. Holmes
on behalf of Amici 25 Harvard Student and Alumni Organizations**

***SFFA v. Harvard*, 1:14-cv-14176-ADB
October 15, 2018**

Good morning, your Honor. My name is Jennifer Holmes from the NAACP Legal Defense and Educational Fund. We represent 25 Harvard student and alumni organizations that joined this lawsuit as amici in support of Harvard's ability to consider race as one of many factors in its holistic admissions process.

Collectively, these organizations represent thousands of Harvard students and alumni. They are Black, white, Latino, Native American, and Asian American. In fact, ten of the organizations we represent are Asian or Asian American affinity groups. Our clients are the children of immigrants, those who can trace their lineage back to antebellum slavery and before, and those whose ancestors were indigenous to this country. Many were the first in their family to attend Harvard. And some were the first in their family to attend any college at all. They are doctors, public servants, professors, entrepreneurs, and many are students still figuring out what their future holds or just trying to make it through this semester of organic chemistry.

The 25 organizations that we represent are emblematic of Harvard's diversity and play a crucial role in helping Harvard realize the benefits of this diversity. They joined this case because their racial identities matter both to who they are and how they shape Harvard.

SFFA ignores this reality. SFFA wants Harvard to create an admissions system where we can't acknowledge racial identity – where race gets redacted, erased, and ignored. Applicants can't talk about it or reveal it, and Harvard can't consider it.

But allowing universities to consider race in admissions, as one of many factors in a holistic process is *necessary* to achieve the constitutional goal of pursuing the educational benefits of diversity. As the Supreme Court recognized in *Fisher*, a diverse student body promotes “enhanced classroom dialogue and the lessening of racial isolation and stereotypes.” Diverse learning environments improve critical thinking skills and prepare students for careers in an increasingly global workforce. We also can't forget that race affects the opportunities students receive before they apply to college, with bias and structural barriers embedded in school discipline, standardized tests, or whether a student is selected for advanced courses or even the cheerleading team. An admissions process that considers race, along with academics, extracurriculars, civic engagement, career goals, socioeconomic status, parental occupation, geography, and many other factors allows for a truly individualized and equitable assessment of students that examines the whole person.



You will hear testimony from three Harvard students and one alumna whose life experiences offer real world examples of the concepts I just described. They are:

Catherine Ho – a Vietnamese American student

Madison Trice – a Black student

Cecilia Nuñez – a Latina and African American student

Margaret Chin – a Chinese American alumna

If you take nothing else from their testimony, know that these witnesses are the ones who have firsthand experience with student life at Harvard. They have spent many days learning at Harvard and contributing their talents to its campus. They are the ones collaborating in the laboratory, in the library, at the late-night study sessions or sometimes, feeling excluded from those spaces because even at Harvard, real inclusion is still a work in progress. Our witnesses' voices and perspectives and stories cannot be accounted for in statistical modeling, and unlike the witnesses put on by SFFA or Harvard, these witnesses can offer a window into the student experience, including going through the application process and learning in the diverse environment that Harvard strives to cultivate.

You will hear a few common themes from our witnesses.

1. They will share personal stories of how their racial and ethnic identities figured prominently into their experience growing up and continued to shape their experience at Harvard. Race is not something they can separate from who they are, and being unable to share that with a college admissions officer would place students like them at a significant disadvantage.
2. Second, cultural organizations played a meaningful role in enhancing their college and alumni experiences. The educational benefits of a school like Harvard are found not just in the classroom. These organizations serve as support systems, hubs of civic and intellectual engagement, inclusive social spaces, and voices that challenge the Harvard administration when it needs to do better. They rely on a diverse student body for their membership, and if the number of students of color on campus declined, some of these organizations would cease to exist or would operate at a diminished capacity.

Catherine Ho will testify about how her identity as a Vietnamese American was front and center in her admissions application. Ms. Ho's parents were refugees who were resettled in the U.S. during the Vietnam War. In her personal essay, Ms. Ho wrote about the idea that the Vietnamese language, which she spoke at home, has no past tense so everything is expressed in the present tense. She explored the idea that this structural aspect of the language helped her parents not to dwell on their hardships of the past but focus on building a better life in the present, which for Ms.



Ho, included extensive volunteer work at the same refugee organization that helped her mother years before she was born.

SFFA claims that Asian American applicants are just a collection of strong SAT scores and academic credentials. Although Ms. Ho's scores were impressive, SFFA couldn't be more wrong that those scores represented the sum total of her life by the end of high school. If SFFA prevails in this case, students like Ms. Ho will be forced to erase the formative experiences that shaped their lives when they apply to college. Applicants of color in particular will be at a disadvantage because they will not be able to share compelling stories of adversity or identity that relate to race. And Harvard, whose mission is to educate the citizen-leaders of tomorrow, will be forced to adopt a definition of merit that is blind to the real people behind the numbers preventing admissions officers from accurately and comprehensively evaluating applicants.

Although Harvard now strives to create a class of high achieving students of diverse racial, geographic, and socioeconomic backgrounds, that was not always the case. Until the late 1970s, Harvard was a bastion of the white, privileged, and male. That may have changed to a large degree. But, as Harvard's counsel outlined, the remedy sought by SFFA threatens to slash the number of students of color on campus and turn back the clock to a time when the halls of Harvard were predominantly white and difference was not welcome or celebrated.

Our witness, Madison Trice will testify about her experience in such an educational environment, as one of the few Black students at a predominantly white high school. Despite excellent grades, she faced classmates who doubted her abilities and her intellect and teachers who steered her away from gifted and talented courses until her parents intervened. She felt isolated in the classroom, treated as an "other," an anomaly, a curiosity who stood out because of her hair and skin tone. Seeing new Black students enter the school in lower grades each year was a bittersweet experience for Ms. Trice. She was happy to see more representation, but feared their experiences, like her own, would be painful, marked by isolation and tokenism, carrying the burden of being a symbol and spokesperson for their race.

Ms. Trice will testify that coming to Harvard in 2017 and discovering a school significantly more diverse than her high school was a revelation. Through her involvement with the Association of Black Harvard Women and the Black Students Association, Ms. Trice found a rich, supportive network of Black students. She now helps organize events that encourage campus engagement with issues that affect communities of color and provide a social and intellectual hub for students from all backgrounds. For example, the Black Students Association hosted a panel on police brutality after a Black student was assaulted by the police. Ms. Trice, like other Harvard students, can also take advantage of a range of events put on by other organizations, such as WOCTails (a Women Of Color cocktail and discussion night hosted by the Asian American Women's Association), or the Harvard pow wow hosted annually by the Native Americans of Harvard College, or Brown Sugar, a massive dance party hosted by Fuerza Latina and other cultural groups and one of the few parties where you will hear Spanish music on campus. Ms. Trice will testify that when new Black faces arrive on Harvard's campus on move-in day each year, she no longer



feels bittersweet, but instead is joyful about the diverse, vibrant community that awaits them. SFFA's goal of eliminating race-conscious admissions threatens this community and the organizations that help it thrive.

So far, I've painted a rosy picture of Harvard, but you will hear that Harvard is not perfect. The organizations we represent often challenge the Harvard administration to support and include students of color. Margaret Chin has spent decades advocating for Asian Americans at Harvard, first as a student and minority recruiter, then as an alumni interviewer, and now an active member of various alumni organizations. Experiencing firsthand the transformative impact of Harvard's diverse environment on her own life and career, Ms. Chin has pushed the administration to hire more Asian American professors and admissions officers, to offer ethnic studies programs, and to increase training on cultural bias and stereotypes. She knows from personal experience that advocating for Asian Americans does not mean wiping away race altogether.

You will hear that even as diversity has grown on campus, some students still face racial isolation or episodes of racial insensitivity. The organizations we represent play an important role in supporting students who face these challenges, especially where Harvard's own support systems fall short. Cecilia Nuñez will testify about how she has been called racial slurs when trying to enjoy a night out with friends. Her organization, Fuerza Latina conducts mental health check-ins with its members and successfully lobbied the administration to hire more mental health counselors with experience with issues of race and in particular Latino identity to better serve students on campus. Harvard has made great strides over the years, but there is still a pressing need for more diversity and inclusion. Being able to consider race as part of holistic admissions is necessary for Harvard to continue to pursue these goals. And eliminating race altogether would make the existing challenges faced by Harvard students of color far worse.

SFFA wants you to believe that none of these experiences matter and that there is no value in Harvard's consideration of race. They want you to believe that Harvard should ignore race and that applicants should erase their racial identity when they present themselves for admissions to Harvard. But a colorblind approach to college admissions means that you close your eyes to the realities of racial inequities. A colorblind approach means that you close your eyes to the full lived experience of each applicant. A colorblind approach means that you close your eyes to the value of a campus where students of different backgrounds learn alongside each other, challenge each other, overcome stereotypes, and shape the campus into a place that is increasingly inclusive and intellectually stimulating.

The diversity on Harvard's campus is a foundational part of the student experience, and the organizations we represent are the engines that bring that diversity to life: creating supportive networks, fostering outreach and exchange, and holding Harvard accountable on issues that affect communities of color. The law recognizes Harvard's right to foster that kind of campus. And our witnesses will make clear why it is imperative that Harvard continue to do so.