

Congress of the United States
Washington, DC 20515

August 4, 2015

Ms. Vanita Gupta
Principal Deputy Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Assistant Attorney General Gupta:

On behalf of the Congressional Asian Pacific American Caucus (CAPAC), I am writing to you regarding a complaint jointly filed on May 15, 2015 by various Asian American associations with the U.S. Department of Justice's Civil Rights Division and the U.S. Department of Education's Office for Civil Rights concerning the alleged discrimination against Asian Americans in Harvard University's admissions process.

As you review the complaint, I urge you to consider the attached position statement outlining our support for transparency, opportunity for all, and diversity in the higher education admissions process.

Sincerely,



JUDY CHU
Member of Congress
CAPAC Chair

cc: Catherine Lhamon, Assistant Secretary, Office for Civil Rights, U.S. Department of Education

Position Statement on Asian American and Pacific Islander Higher Education Admissions

We, the undersigned Members of Congress, believe in higher education as key to the American Dream. Higher education has played a pivotal role in building a strong middle class and has been the foundation of hope for millions of young people in this country.

We support the following three principles:

1. **Transparency.** We strongly believe that there should be transparency in the admissions process at elite universities and every university. We oppose upper-limit quotas for any racial or ethnic group, including Asian Americans and Pacific Islanders. Upper-limit quotas are not only unacceptable, they are unlawful under established legal precedent. There must be greater transparency into every university's admissions process, especially as to whether there are upper-limit quotas for any racial or ethnic group, including Asian Americans and Pacific Islanders. We also believe that the public will benefit from more information regarding the distinction between upper-limit quotas, which are unconstitutional, and race sensitive holistic admissions policies, which are constitutional. While we adamantly oppose upper-limit quotas, we also believe there should be greater transparency in the application of holistic admissions policies, which allow a college to factor in a wide variety of criteria such as a student's background, challenges overcome, and extracurricular involvement.
2. **Opportunity for All.** We believe that there should be an expansion of opportunities for higher education for every American in this country. Yet, it is now becoming more difficult for Americans to attain higher education than ever before. It appears that more applicants are fighting for fewer university slots, and, that is, for a smaller piece of the pie. There must be an examination of whether slots are diminishing for young people of color in our universities, including Asian Americans and Pacific Islanders, and how increased investment and expansion in higher education can help all Americans realize the dream of a college degree.
3. **Diversity.** We support state and federal laws on promoting diversity in our universities. These laws encourage our universities to look at a variety of criteria for admissions to take into account the various barriers that student applicants have overcome, and to ensure that our universities are more reflective of what America looks like. But we want to know the criteria for diversity that are being utilized by Harvard and other universities. Do these universities use criteria such as geographic diversity or whether an applicant has endured poverty, overcome racial adversity and discrimination, or is the first in her family to attend college? Do university admissions measure the future potential of student applicants who may not have performed as well academically due to the discriminatory opportunities a child may have experienced in his or her elementary and secondary education? Do universities primarily focus on those applicants with "tags," that is, high priority applicants who are recruited athletes, children of alumni, those well-connected to VIPs and those whose parents could be donors? How does the use of "tags" in the admissions process impact diversity?

An example of the need for transparency pertains to Harvard University's "Legacy Admissions," that is, the admissions of children of Harvard University alumni. There have been reports that the acceptance rate for legacy students at Harvard University is allegedly 30%, which is over five times the overall acceptance rate.¹ In addition, a recent Op-Ed in the Los Angeles Times by a former university admissions officer said that Asian American students are rarely the children of alumni, nor "are they typically earmarked as actual or potential donors. They simply don't have long-standing connections to these institutions."²

A truly transparent process would address the influence of "tags" in the admissions process, including providing information on the race, ethnicity, and socioeconomic backgrounds of applicants who benefit from such "tags", and would make public the demographics of applicants and percentages admitted.

It is our goal to ensure that every American who works hard is able to achieve the American Dream through enrollment at a university or college of their choice. The key to this is transparency and the commitment to expanded higher education access, opportunity, and success for all.



JUDY CHU
Member of Congress
CAPAC Chair



MICHAEL HONDA
Member of Congress
CAPAC Chair Emeritus



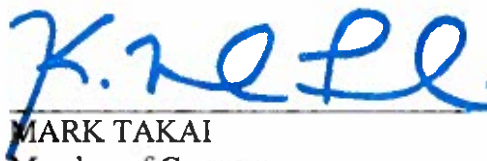
MARK TAKANO
Member of Congress
CAPAC Education Task Force Chair



GRACE MENG
Member of Congress



TED LIEU
Member of Congress



MARK TAKAI
Member of Congress

¹ See Evan J. Mandery, *End College Legacy Preferences*, THE NEW YORK TIMES, April 24, 2014 (available at http://www.nytimes.com/2014/04/25/opinion/end-college-legacy-preferences.html?_r=0), see also Justin C. Worland, *Legacy Admit Rate at 30 Percent*, THE HARVARD CRIMSON, May 11, 2011 (available at <http://www.thecrimson.com/article/2011/5/11/admissions-fitzsimmons-legacy-legacies/>).

² See Sarah Harberson, *The Truth about 'Holistic' College Admissions*, THE LOS ANGELES TIMES, June 9, 2015 (available at <http://www.latimes.com/opinion/op-ed/la-oe-harberson-asian-american-admission-rates-20150609-story.html>)



ROBERT C. "BOBBY" SCOTT
Ranking Member, House Education
and the Workforce Committee