

Kim Taylor
Vice President and General Counsel of Duke University
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Dear General Counsel:

In *SFFA v. Harvard*, the Supreme Court outlawed the once-prevalent practice of considering race in college admissions. Harvard also stressed that colleges cannot circumvent its ruling by using “application essays or other means” to recreate the same regime. 600 U.S. 181, 230 (2023).

Your college just reported its admissions data for the Class of 2028—the first class admitted after Harvard. Compared to the Class of 2027 (when you explicitly gave racial preferences to African Americans and Hispanics), you now have fewer Asian Americans. Your Class of 2028 is 29% Asian American, a decrease of 6 percentage points.

SFFA is deeply concerned that you are not complying with Harvard. You told the Supreme Court that, without explicit racial preferences, it would be impossible to “obtain the diverse student body” that you obtained in the past. *Amici Br. of Brown Univ. et al.* at 25, perma.cc/7QW6-NBSH. Notable peer institutions are also reporting much higher percentages of Asian Americans, like Harvard (37%), Columbia (39%), and MIT (47%). And based on SFFA’s extensive experience, your racial numbers are not possible under true race neutrality. You refused to eliminate legacy preferences. And socioeconomic preferences would not cause a decrease in Asian-American enrollment.

Please explain this discrepancy, including any new, substantial race-neutral alternatives that you adopted in response to Harvard. Without that information,

SFFA will conclude that you are circumventing the Supreme Court’s decision. SFFA is prepared to enforce Harvard against you through litigation. You are now on notice. Preserve all potentially relevant documents and communications.

September 17, 2024

Edward Blum
President of Students for Fair Admissions

cc: Consovoy McCarthy PLLC

Ramona E. Romero, Vice President & General Counsel of Princeton University
ramonar@princeton.edu

Dear General Counsel:
In *SFFA v. Harvard*, the Supreme Court outlawed the once-prevalent practice of considering race in college admissions. Harvard also stressed that colleges cannot

not circumvent its ruling by using “application essays or other means” to recreate the same regime. 600 U.S. 181, 230 (2023).

Your college just reported its admissions data for the Class of 2028—the first class admitted after Harvard. Compared to the Class of 2027 (when you explicitly gave racial preferences to African Americans and Hispanics), you now have fewer Asian Americans. Your Class of 2028 is 23.8% Asian American, a decrease of 2.2 percentage points. Princeton Enrollment Untouched by Affirmative Action Ban, Daily Princetonian (Sept. 4, 2024), perma.cc/ETP5-5VVS.

SFFA is deeply concerned that you are not complying with Harvard. You told the Supreme Court that, without explicit racial preferences, it would be impossible to “obtain the diverse student body” that you obtained in the past. *Amici Br. of Brown Univ. et al.* at 25, perma.cc/7QW6-NBSH. Notable peer institutions are also reporting much higher percentages of Asian Americans, like Harvard (37%), Columbia (39%), and MIT (47%). And based on SFFA’s extensive knowledge of race-neutral alternatives, your racial numbers are not possible without substantially increasing socioeconomic preferences and eliminating legacy preferences. Yet you’ve announced no such changes, and you’ve reported no substantial increase in the number of students receiving Pell grants.

Please identify the new, substantial race-neutral alternatives that your institution implemented after Harvard. Without that information, SFFA will conclude that you are circumventing the Supreme Court’s decision.

SFFA is prepared to enforce Harvard against you through litigation. You are now on notice. Preserve all potentially relevant documents and communications.

September 17, 2024

Edward Blum
President of Students for Fair Admissions

cc: Consovoy McCarthy PLLC

Alexander E. Dreier
Senior Vice President and General Counsel of Yale University
alexander.dreier@yale.edu

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Your college just reported its admissions data for the Class of 2028—the first

class admitted after Harvard. Compared to the Class of 2027 (when you explicitly gave racial preferences to African Americans and Hispanics), you now have fewer Asian Americans. Your Class of 2028 is 24% Asian American, a decrease of 6 percentage points.

SFFA is deeply concerned that you are not complying with Harvard. You told the Supreme Court that, without explicit racial preferences, it would be impossible to “obtain the diverse student body” that you obtained in the past. *Amici Br. of Brown Univ. et al.* at 25, perma.cc/7QW6-NBSH. Notable peer institutions are also reporting much higher percentages of Asian Americans, like Harvard (37%), Columbia (39%), and MIT (47%). And based on SFFA’s extensive experience, your racial numbers are not possible under true race neutrality. You refused to eliminate legacy preferences. And socioeconomic preferences would not cause a decrease in Asian-American enrollment.

Please explain this discrepancy, including any new, substantial race-neutral alternatives that you adopted in response to Harvard. Without that information, SFFA will conclude that you are circumventing the Supreme Court’s decision. SFFA is prepared to enforce Harvard against you through litigation. You are now on notice. Preserve all potentially relevant documents and communications.

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