

## Update on CACAGNY's Discovery Expansion Lawsuit

On September 7, 2022, Judge Edgardo Ramos of the District Court for the Southern District of New York dismissed CACAGNY's 2018 Federal discrimination lawsuit against New York City's expansion of the Discovery Program at the Specialized High Schools in 2018. CACAGNY is naturally disappointed by the adverse decision from Judge Ramos.

What is truly unbelievable, however, is the rationale used by Judge Ramos, an Obama appointee, to dismiss our lawsuit. He claims that the City's expansion of the Discovery Program is not discriminatory against Asians because Asian enrollment in the Specialized High Schools went up after Discovery expansion. This interpretation of the Discovery expansion is so bizarre that even supporters of Discovery expansion aren't buying it. For example, NBC reports that Rachel Kleinman, senior counsel at the NAACP Legal Defense Fund, praised Judge Ramos' decision in an email as follows: "This decision is a victory for diversity and equal opportunity in education for the City's multi-racial, multi-ethnic student body." The NAACP Legal Defense Fund intervened in the lawsuit on the City's side, *against the Asian plaintiffs*; you can be sure that when they declared Judge Ramos' ruling a "victory for diversity and equal opportunity in education," they were not celebrating the prospect of *greater* Asian enrollment. The City itself must also be trying hard to not snicker at Judge Ramos; after all, the City brashly trumpeted its Discovery expansion as a means to "make Stuyvesant look more like the City" -- codewords for "too many Asians." If the City actually thought Judge Ramos made sense when he claimed that Discovery expansion increases Asian enrollment, then the City should, logically, kill the Discovery expansion right away! Of course the City isn't doing that because it knows better than the judge. Nobody on either side of the lawsuit is buying Judge Ramos' bizarre construction.

CACAGNY remains fully confident about the merit of its lawsuit. Pacific Legal Foundation (PLF), CACAGNY's public interest law firm, is currently considering all available options to identify the best path forward in the fight against racial balancing in New York City's Specialized High Schools.

Let's note that CACAGNY's Discovery expansion lawsuit has already delivered major benefits. The lawsuit served as a crucial turning point in the latest incarnation of the decades-long fight to preserve Hecht-Calandra, the State law that protects the Specialized High Schools. Up to the point of the lawsuit, activists defending Hecht-Calandra carefully downplayed the Asian stake in the fight. It was the high profile from this Asian discrimination lawsuit that anchored, in the minds of the press and key electeds, the stinging characterization of anti-Asian racism in the agenda to abolish Hecht-Calandra. This characterization provided the necessary moral clarity, grassroots energy, and deepened publicity that, with the help of parents, electeds, and believers, ultimately preserved Hecht-Calandra.

Also, with CACAGNY's lawsuit as PLF's first in the area of anti-Asian discrimination in magnet programs, PLF has since taken up cases in Montgomery County, Maryland on anti-Asian discrimination in Gifted and Talented admissions, in Fairfax County, Virginia on anti-Asian discrimination in admissions to Thomas Jefferson High School for Science and Technology (TJ), and in Boston, Massachusetts, on anti-Asian discrimination in admissions to Boston Latin and other exam schools. The TJ case has advanced the fastest through the courts, and is practically knocking at the door of the Supreme Court. CACAGNY, which supported the TJ lawsuit with an [amicus brief](#), looks forward to a favorable and widely impactful decision from the Supreme Court soon!

We want to take this opportunity to thank, again, the CACAGNY members and leadership who supported this significant lawsuit, including current President Phil Wong who is also an individual plaintiff, and Charter President Wai Wah Chin who led CACAGNY in joining the lawsuit. We also want to thank our fellow individual plaintiffs and organizational plaintiffs Christa McAuliffe PTO and Asian American Coalition for Education, the many supporters of Specialized High Schools education, and our allies in Montgomery County, Northern Virginia, Boston, and elsewhere, in our common cause for meritocratic education with equal rights for all students. And last but not least, we give great thanks to our counsel Pacific Legal Foundation.

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