

CACAGNY Wins Appeal against Summary Dismissal in Specialized High School Case

Student and family believers in rigorous, meritocratically accessible public education should cheer the Second Circuit Court of Appeals' ruling yesterday September 24.

The ruling concerns the December 2018 case in which CACAGNY, along with other plaintiffs, sued New York City over its racially discriminatory expansion of the Discovery Program, the backdoor admissions procedure to the fabled Specialized High Schools. The main admissions procedure is, as we all know, purely by top performance in a competitive admissions test, the Specialized High School Admissions Test (SHSAT), a procedure protected by New York State's 1971 Hecht-Calandra Act.

The Court of Appeals ruled that District Court Judge Ramos erred in granting New York City summary judgement against CACAGNY, an error that would have short-circuited the full course of justice. The case now resumes in District Court with all the proceedings called for by such anti-discrimination litigation.

Significantly, the [Appellate Court's decision](#) supports the argument used by CACAGNY's counsel, Pacific Legal Foundation, in its appeal against summary judgement. The Court essentially affirmed the correct understanding of justice, and therefore, injustice, as *individual*, not *collectivist*. As currently fashionable revolutionary views increasingly push for *collectivist* reparations and punishments based on race, ethnicity, national origin, gender and faith, Pacific Legal Foundation and the Appellate Court are commended for crucially clarifying the necessarily *individual*, not collectivist, nature of justice.

The legal fight is not over – it resumes in Judge Ramos' District Court -- but the principles we are fighting for are profound, momentous – and worthy of taking up all the way to the Supreme Court.

In connection with the Specialized High Schools and the Hecht-Candra Act, this is a good place to remind everyone – and to pass along the word – to vote “NO” on New York State Proposal One on the back of the coming November ballot. As [has been exposed](#) by multiple observers, it is *fraudulent* to promote Proposal One as necessary legislation to protect abortion rights and “gender affirmation” in New York State. It isn't. Its true purpose is much darker.

The purpose of Proposal One is to add a paragraph called “Section B” into New York State's Constitution. Very few people have read Section B, and it is intentionally not talked about much, but Section B provides powerful legal cover to a frightfully wide range of collectivist initiatives, including *racial reparations*. And starkly in that line of attack lies the Hecht-Calandra Act that protects the SHSAT for individual performance. *If Proposal One passes, it could be only a matter of time before Hecht-Calandra – and the Specialized High Schools -- are abolished by Section B.* That is why we must vote NO on Proposal One.

We again express our great appreciation to our pro-bono counsel Pacific Legal Foundation.

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