

## CACAGNY Supports TJ Parents with Supreme Court *Amicus Brief*

On September 22, CACAGNY and eight other organizations filed an *amicus brief* at the Supreme Court of the United States, to persuade the Court to hear the appeal by parents of Thomas Jefferson High School (TJ) in their racial discrimination lawsuit against Fairfax County School Board. It was always the hope that the case would go to the Supreme Court for a definitive decision. Now that this 2021 lawsuit has duly progressed through the District Court and the Court of Appeals, that time is here. The Court accepts only 100 - 150 cases every year, out of 7,000+ appeals. The [amicus brief](#) presents five compelling reasons why *TJ* should be one of them (see also [this op-ed](#)).

The significance of *TJ* cannot be overstated. On one hand, it is distinct from the recent, momentous *SFFA v Harvard*. *SFFA* is about correcting the decades-long mistake made by *Bakke* and *Grutter*, which wrongly claimed that just for *college* admissions, a "little" racial discrimination for a "little while" could be OK; *TJ* is for *before* college, where even a little racial discrimination was *never* OK. *TJ* is all about *catching cheaters* at "facially race-neutral" racial discrimination. On the other hand, it is critical for the Supreme Court to hear *TJ* after *SFFA*, because colleges are openly discussing ways to cheat on racial discrimination, so what better way to finish what *SFFA* started than a case about catching cheaters, especially since *TJ* involves many of the schemes now proposed for colleges post-*SFFA*?

The *TJ* case is also highly significant for our New York City public school community, which is why this is CACAGNY's second *amicus brief* for *TJ*. Like *TJ*, CACAGNY's lawsuit on NYC's expansion of the Discovery Program at the Specialized High Schools is also about dismantling meritocratic admissions to "solve" the "problem" of "too many Asians" without getting caught. CACAGNY's 2018 case is still in front of the Court of Appeals, but should the Supreme Court accept *TJ* and rule sweepingly, with awareness of other similar cases like CACAGNY's, CACAGNY's case in New York could very well benefit. For such awareness, it helps that CACAGNY's law firm, Pacific Legal Foundation (PLF), is the same as *TJ*'s, and PLF's appeal for *TJ* explicitly mentioned CACAGNY's case. As PLF also represents Asian families in Montgomery County, Maryland in their similar lawsuit over admissions to Gifted-and-Talented programs, *TJ* could have broad impact on all schools and school programs before college, not just high schools. It's not surprising, then, that four New York City education advocacy organizations joined this *amicus brief*: PLACE NYC, New York Residents Alliance, Queens Parents United, and CACAGNY. We all place high hopes on this *TJ* case.

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