

CACAGNY Supports TJ Parents with Amicus Brief

On June 21, 2022, CACAGNY joined the American Hindu Coalition, the Friends of Lowell Foundation, No Left Turn in Education, PLACE NYC, the Richmond Jewish Coalition, and United Against Antisemitism - NOVA to file an amicus brief at the United States Court of Appeals, Fourth Circuit. The brief, attached below, supports the parents of Thomas Jefferson High School of Science and Technology in their lawsuit against Fairfax County School Board in Northern Virginia.

The story is by now familiar. In 2020, the Fairfax County School Board decided that nationally acclaimed Thomas Jefferson High School (TJ) accepted “too many Asians” with its meritocratic admissions process. To “solve” this “Asian problem,” the school board proposed a euphemistically named “merit lottery,” but simulations showed that while Asian enrollment would plummet and both Black and Hispanic enrollments would rise, so would White enrollment – not the desired outcome. So the school board implemented instead a geographic quota on top of vaguely defined “holistic” criteria, which then delivered their desired racial outcome; Asian enrollment fell by more than 20%.

This is, clearly, engineering for racial balance, which is unconstitutional. The brave parents of TJ sued in 2021, and we support them with this amicus.

The racial engineering at TJ is hardly unique. Also in 2021, Friends of Lowell Foundation – a co-signer of this amicus brief -- sued the San Francisco Unified School District for replacing meritocratic admissions at Lowell High School, the leading public magnet high school in San Francisco, by a euphemistically named “choice” lottery -- again, to “fix” its own “too many Asians” “problem.” Significantly, it was admissions at Lowell that was the subject of Lee Cheng’s pioneering lawsuit in 1994, which resulted in Lowell backing down from its “diversity” and “equity” assault 27 years ago against meritocratic admissions.

Here in New York, in 2018, CACAGNY sued the City for “solving” its own “too many Asians” “problem” at the fabled Specialized High Schools by expanding vastly the historically limited, supplementary admissions pathway, known as the Discovery Program, at the expense of the main mechanism of the meritocratic admission test, and then jiggering the socio-economic qualifications for this secondary pathway so as to exclude the then-leading sources Asian students.

Both the San Francisco and CACAGNY’s lawsuits remain in litigation.

These mechanisms, quite different from each other but all facially race-neutral, subtle in operation, and attractively packaged, show the considerable will and determination educators deploy as they systematically drive Asians out of meritocratic schools. Worse, these educators are not beneath manipulating the dials in their mechanisms to either expand their effect when political winds are favorable, or pull back, to weather a temporary storm. The latter, called the “SFFA effect” because Harvard suddenly started admitting more Asians as Students for Fair Admissions (SFFA) launched its Asian discrimination lawsuit against Harvard, is also suspected at TJ and New York City’s Specialized High Schools. It is of utmost importance that the courts are wise to such subterfuge.

CACAGNY thanks the Dhillon Law Group, known for its relentless defense of civil liberties, for representing us on this amicus brief.

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