

EXHIBIT 02

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

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STUDENTS FOR FAIR ADMISSIONS, *

INC., *

Plaintiff, *

v. * Civil Action

PRESIDENT AND FELLOWS OF HARVARD * No. 14-cv-14176

COLLEGE (HARVARD CORPORATION), * (ADB)

Defendant. *

* * * * *

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Rule 30(b)(6) Notice to Students for Fair
Admissions, Inc.

Videotaped Deposition of EDWARD J. BLUM

Tuesday, July 12, 2016

9:05 a.m.

Wilmer Cutler Pickering Hale and Dorr LLP

60 State Street - 26th Floor

Boston, Massachusetts 02109

----- J. Edward Varallo, RMR, CRR -----

Registered Professional Reporter

1 email exchange and phone calls with friends and
2 allies.

3 A. Yes. The other -- Did I include
4 designing, helping to design a website?

5 Q. Nope. Tell me about that.

6 A. Okay. I helped Engage design a website.

7 Q. So you together with EngageDC helped
8 design the website?

9 A. Correct.

10 Q. What was your role in that? What did you
11 do?

12 A. Described what the website should do, what
13 we wanted to accomplish, and reviewed the various
14 designs that were submitted to us.

15 Q. And when you say the website, which
16 website are you referring to?

17 A. Students for Fair Admissions.

18 Q. And what about the Harvard Not Fair
19 website?

20 A. That as well.

21 Q. So part of the launch of SFFA was to
22 design the Harvard Not Fair website?

23 A. Not exactly. The Harvard Not Fair, UNC
24 Not Fair and UW Not Fair really preceded sort of the
25 launch of Students for Fair Admissions.

1 A. I guess that would be me.

2 Q. And what about in the 2013 time frame, who
3 was primarily responsible for membership
4 recruitment?

5 A. Primarily probably me.

6 Q. And in 2014 who was primarily responsible
7 for membership recruitment?

8 A. Primarily me.

9 Q. The interrogatory response also talks
10 about day-to-day operations of SFFA on page 4 and
11 indicates that you are responsible for those
12 operations. Do you see that?

13 A. Yes.

14 Q. And that was in July 2015, this particular
15 interrogatory.

16 A. Okay.

17 Q. Are you still primarily -- Are you still
18 responsible for the day-to-day operations of SFFA?

19 A. Yes.

20 Q. And what do those operations entail?

21 A. Communicating with members, communicating
22 with the board, and communicating with counsel.

23 Q. And prior to July of 2015, were you also
24 responsible for the day-to-day operations of SFFA?

25 A. Yes.

1 Q. Is there anybody else at SFFA who is
2 responsible for the day-to-day operations?

3 A. No.

4 Q. Is Mr. Fisher responsible for any day-to-
5 day operations?

6 A. No.

7 Q. Is Ms. Fisher responsible for any day-to-
8 day operations?

9 A. No.

10 Q. Are counsel responsible for any day-to-day
11 operations?

12 A. Oh, yes.

13 Q. Without disclosing any consultation with
14 counsel, can you describe to me any actions that
15 counsel are responsible for in connection with the
16 day-to-day operations of SFFA?

17 MR. STRAWBRIDGE: And I'll object on
18 grounds of privilege and instruct the client that he
19 may answer this question only to the extent that he
20 does not reveal the actions or advice of counsel.

21 A. Every question of substance is discussed
22 with counsel.

23 Q. Can you provide without disclosing advice
24 of counsel, can you provide detail on what you mean
25 by a question of substance? I just don't

1 A. All right.

2 Q. Sorry, through 73, really, with the
3 signature pages. Have you seen this document
4 before?

5 A. Yes.

6 Q. And what do you understand this document
7 to be?

8 A. This is our, sort of our founding document
9 to organize our organization.

10 Q. And it is signed by the three members of
11 the board of directors on that date in 2014. Is
12 that right?

13 A. That's right.

14 Q. Who are Richard Fisher, Abigail Fisher,
15 and yourself?

16 A. Correct.

17 Q. The document on Bates 68 -- the Bates
18 number is the number in the bottom right of the
19 page, in case you're not familiar -- is a unanimous
20 written consent in lieu of an organizational
21 meeting. Do you see that?

22 A. Yes.

23 Q. And what do you understand that to mean,
24 that title?

25 MR. STRAWBRIDGE: Objection, calls for a

1 of SFFA?

2 A. Yes.

3 Q. And was there discussion between you and
4 Abigail Fisher about her becoming the secretary of
5 SFFA?

6 A. Yes.

7 Q. And did she agree to become the secretary?

8 A. She did.

9 Q. Who appointed -- Who appointed yourself as
10 president of SFFA?

11 A. It was a collaborative understanding
12 between the three of us and it was kind of a
13 direction that we took informally leading up to this
14 establishment.

15 Q. When you say the direction that you took,
16 do you mean you were serving, playing the role of a
17 president-type role before this was officially
18 enacted? Or maybe I'll just ask you to explain what
19 you meant by that last answer.

20 A. I was the leader, if you will, of the
21 organization of this group.

22 Q. And I asked who appointed you as president
23 of SFFA. It was yourself and Mr. Fisher and
24 Ms. Fisher?

25 A. We all agreed that I would be president.

1 Q. Was anybody else involved in that
2 decision?

3 A. No.

4 Q. And who appointed Abigail Fisher as
5 secretary?

6 A. She agreed to serve in that capacity after
7 consultation with myself and Richard Fisher.

8 Q. Was anybody else involved in that
9 decision?

10 A. No.

11 Q. And who appointed Richard Fisher as
12 treasurer?

13 A. He agreed to serve in that capacity after
14 consultation with myself.

15 Q. And with Ms. Fisher as well?

16 A. And with Abby.

17 Q. And was anybody else involved in that
18 decision?

19 A. No.

20 Q. Did you consult with anybody, any members
21 or nonmembers of SFFA, before this August 6th
22 organizational action was taken?

23 MR. STRAWBRIDGE: That is a yes or no
24 question. You may answer that question yes or no.

25 A. So the question is, did I consult with

1 Q. So who are the affiliate -- Without giving
2 me any names, are there members of SFFA that are not
3 affiliate members?

4 MR. STRAWBRIDGE: Object to the form of
5 the question. You may answer.

6 A. So all members of SFFA at the time of the
7 adoption of these bylaws were affiliate members.

8 Q. Thank you. That was my question. There
9 were no other type of members at that time?

10 A. No other type of members.

11 Q. And so affiliate members did not have any
12 voting rights at the time of the adoption of the
13 bylaws. Correct?

14 A. They did not have voting rights at the
15 time of the adoption.

16 Q. And they did not have voting rights at the
17 time the complaint was filed in this litigation.
18 Correct?

19 A. That's correct.

20 Q. Did the affiliate members have any role in
21 electing any of the officers of SFFA?

22 A. No.

23 Q. Did the affiliate members when these
24 bylaws were in effect have any role in appointing
25 any of the directors of SFFA?

1 A. No.

2 Q. Did the affiliate members at the time
3 these bylaws were in place have the right to vote on
4 anything involving the purpose or the mission of
5 SFFA?

6 MR. STRAWBRIDGE: I'll object to the form
7 of the question.

8 A. No.

9 Q. Did they have the right to vote to modify
10 SFFA's purpose?

11 A. No.

12 Q. Did they have the right to ratify any
13 action that SFFA took?

14 MR. STRAWBRIDGE: I will object to the
15 form of the question.

16 A. No.

17 Q. What was the purpose of SFFA at the time
18 that these bylaws were in effect?

19 A. To further our mission, which was to end
20 the use of race in the admissions process through
21 litigation and through advocacy.

22 Q. And members, affiliate members of SFFA at
23 the time these bylaws were in effect, were they
24 required to agree with that mission to become a
25 member?

1 Q. Okay. So we'll go ahead and play the
2 first clip, please. And let us know if you can't
3 see or hear.

4 THE WITNESS: I can see it.

5 MR. STRAWBRIDGE: Counsel, for the record,
6 can we just, are these all clips taken from the
7 video that's represented in this exhibit?

8 MS. ELLSWORTH: They are all clips from
9 the video represented in this exhibit which is on
10 YouTube.

11 MR. STRAWBRIDGE: Okay, thank you.

12 (Video clip played as follows:

13 "So I needed plaintiffs; I needed Asian
14 plaintiffs. And finding plaintiffs to challenge the
15 Ivy League admissions policies, Harvard in
16 particular, is not an easy thing to do, so
17 I started -- I designed three websites,
18 HarvardNotFair.org, UNC, University of
19 NorthCarolinaNotFair.org, and UWNotFair.org."

20 (End of video clip.)

21 THE WITNESS: So painful to watch.

22 BY MS. ELLSWORTH:

23 Q. Mr. Blum, that was you speaking that we
24 just presented. Is that correct?

25 A. Yes, it was.

1 now.

2 Q. Okay.

3 A. There were considerably more than 16,000,
4 but we used 16,000 as sort of a safe harbor because
5 we wanted to verify that perhaps, you know, all of
6 them were accurate and correct and could be
7 legitimate members of SFFA.

8 Q. So when the interrogatory response was
9 given on July 2nd of 2015, was that before
10 Mr. Connolly had completed his task of reviewing
11 that big influx of numbers?

12 A. I don't know.

13 Q. What was the reason for providing this
14 safe harbor that you just testified to?

15 A. Concern about providing information that
16 was inaccurate.

17 Q. And was that concern driven by this
18 technological situation that had arisen with the
19 influx of new members in June 2015?

20 A. Yes.

21 Q. Do you know now what a more accurate
22 number would have been in July of 2015?

23 A. I have an estimate of that.

24 Q. What is that estimate?

25 A. Slightly over 20,000.

1 Q. So the overwhelming of EngageDC's system
2 was by about 20,000 new members?

3 A. That's correct.

4 Q. In a how-many-week period or how-many-day
5 period?

6 A. I'm unsure exactly how many, but it was a
7 relatively short number of days.

8 Q. Was it less than a week?

9 A. About a week, I would think.

10 Q. And then once the payment process was put
11 in place on July 30th, is it fair to say that the
12 membership growth slowed substantially?

13 A. It did.

14 Q. Do you see the new members
15 contemporaneously now?

16 A. I do.

17 Q. About how frequently do new members flow
18 in?

19 A. So there are two things that flow to me
20 contemporaneously: people who contact us through
21 SFFA without joining and then people who contact us
22 through SFFA and join. So there are a lot of people
23 that contact us through SFFA without joining, but
24 I see both of those categories contemporaneously.

25 Q. What is the email address that they use to

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COURT REPORTER'S CERTIFICATE

I, J. Edward Varallo, RMR, CRR, Registered Professional Reporter and Notary Public in the Commonwealth of Massachusetts (my commission expires 12/09/2022), hereby certify that the deposition of Edward J. Blum taken on July 12, 2016, in the matter of Students for Fair Admissions v. President and Fellows of Harvard College (Harvard Corporation); and The Honorable and Reverend the Board of Overseers, was recorded by me stenographically and transcribed; that before being sworn by me, the deponent provided satisfactory evidence of identification as required by Executive Order 455 (03-13) of the Governor.

I certify that the deposition transcript produced by me is true and accurate to the best of my ability.

I certify further that I am not counsel, attorney, or relative of any party litigant, and have no interest, financial or otherwise, in the outcome of this suit.



DATED: 7/15/2016

J. Edward Varallo