

EXHIBIT 275

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3 BOSTON DIVISION
4

5 Civil Action No. 1:14-cv-14176-ADB

6 DEPOSITION OF: [REDACTED] - June 16, 2017

8 STUDENTS FOR FAIR ADMISSIONS, INC.,

9 Plaintiff,

10 v.

11 PRESIDENT AND FELLOWS OF HARVARD COLLEGE

12 (HARVARD CORPORATION),

13 Defendant.

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15
16 PURSUANT TO NOTICE AND SUBPOENA, the
17 deposition of [REDACTED] was taken on behalf of the
18 Defendant at [REDACTED]
19 [REDACTED], on June 16, 2017, at 8:54 a.m., before
20 Sherry Wallin, Certified Realtime Reporter, Registered
21 Merit Reporter and Notary Public within [REDACTED]
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25

1 Q. Did you write this document?

2 MR. PARK: Objection. I'm going to
3 instruct the witness not to answer that.

4 MR. DULBERG: On what grounds?

5 MR. PARK: Attorney-client privilege,
6 work product doctrine.

7 Q. (BY MR. DULBERG) Do you know whether
8 this document was drafted by counsel?

9 MR. PARK: Same objection. Same
10 instruction.

11 Q. (BY MR. DULBERG) Did counsel provide
12 this document to you for you to sign?

13 MR. PARK: Same instruction.

14 Q. (BY MR. DULBERG) Did you review this
15 document before you signed it?

16 MR. PARK: You can answer that.

17 A. I did.

18 Q. (BY MR. DULBERG) Did you make any
19 changes to this document before you signed it?

20 MR. PARK: Objection, and instruct the
21 witness not to answer that.

22 MR. DULBERG: On attorney-client
23 privilege and work product?

24 MR. PARK: Yeah. Yes.

25 Q. (BY MR. DULBERG) Sitting here today, is

1 everything in this declaration true and accurate?

2 A. Yes.

3 Q. So if we look at the very first line of
4 the declaration, it begins, "I, pursuant to 28 U.S.C.
5 Section 1746, declare the following." Did I read that
6 correctly?

7 A. Yes.

8 Q. Do you know what 28 U.S.C. Section 1746
9 is?

10 A. I do not.

11 Q. Did you ask anyone what that language
12 referred to before you signed this document?

13 MR. PARK: Objection. You can answer.

14 A. No.

15 Q. (BY MR. DULBERG) Does it concern you at
16 all that you signed this without making that inquiry?

17 MR. PARK: Objection. You can answer.

18 A. It didn't really concern me, no.

19 Q. (BY MR. DULBERG) Are there any other
20 parts of this declaration that you do not understand?

21 MR. PARK: Objection.

22 A. No. I understand everything else.

23 Q. (BY MR. DULBERG) Okay. And we've
24 already talked about your plan to enroll at [REDACTED] in
25 the fall. It's discussed in paragraph 5. Do you see

1 that?

2 A. Um-hum -- yes.

3 Q. We've also discussed paragraph 4. And
4 so that's true, correct, the statements in paragraph 4
5 are true?

6 MR. PARK: Objection. You can answer.

7 A. Yes.

8 Q. (BY MR. DULBERG) Okay. Let's look at
9 paragraph 6. Can you read that out loud for the
10 record?

11 A. "I am able and ready to apply to
12 transfer to Harvard were it to cease the use of race
13 or ethnicity as an admissions preference and to cease
14 its intentional discrimination against Asian
15 Americans."

16 Q. Is that a true statement as of May 26,
17 2017, when you signed this declaration?

18 A. Yes.

19 Q. Is it a true statement today?

20 A. Yes.

21 Q. What does this statement mean?

22 A. What it means to me is that if Harvard
23 were to stop using its use of race and ethnicity in
24 admissions, I would think my chances of being admitted
25 had risen enough, because of that change, that I would

1 apply again for transfer to see if I could get in
2 under the new system.

3 Q. But under the current system you have no
4 intent to apply to transfer; is that correct?

5 A. That's correct.

6 Q. Is it just if Harvard were to cease the
7 use of race as an admissions process, then you would
8 intend to apply to transfer to Harvard?

9 A. Yes.

10 Q. This statement also contains a
11 reference, as you just read, to ceasing its
12 intentional discrimination against Asian Americans.
13 Do you see that?

14 A. Yes.

15 Q. Do you believe that Harvard
16 intentionally discriminates against Asian Americans in
17 its college admissions process?

18 A. I do believe so.

19 Q. Do you believe that admissions officers
20 are biased against Asian Americans?

21 MR. PARK: Objection. You can answer.

22 A. I don't know what the mental process is
23 behind it, but I am fairly sure that they set a higher
24 bar for Asian Americans. I don't know if they have
25 any personal dislike for Asian Americans or not, but

1 you've had with other SFFA members?

2 MR. PARK: Objection. Instruct the
3 witness not to answer.

4 Q. (BY MR. DULBERG) You mentioned an email
5 in which you asked Mr. Blum whether you could assist
6 with the standing issue. Was that the first time you
7 had corresponded with SFFA regarding your possible
8 service as a standing member?

9 MR. PARK: Objection.

10 A. Yes. That was -- I'm sorry. Could you
11 repeat that?

12 Q. (BY MR. DULBERG) You described an email
13 to Mr. Blum in which you asked whether you could help
14 provide SFFA with standing, correct?

15 A. Um-hum -- yes.

16 Q. And my question is, was that the first
17 time you corresponded with anyone from SFFA regarding
18 your possible role as a standing member in this
19 litigation?

20 MR. PARK: Objection.

21 A. Yes. That was the first time.

22 Q. (BY MR. DULBERG) You write in
23 paragraph 9 of your declaration, which is Exhibit 1,
24 "They have answered my questions and afforded me the
25 opportunity to have input and direction on SFFA's

1 case." Do you see that?

2 A. Yes.

3 Q. And what does that mean?

4 A. So what that means to me is obviously
5 they have answered my questions. I've been very
6 curious about this, asked a lot of questions, and
7 they've answered them thoroughly.

8 And having input and direction, I have
9 suggested things to them about, like, possible
10 arguments to make in the lawsuit or -- I've actually
11 had more input -- I've given them more input about
12 future lawsuits to bring.

13 I haven't had to, like, give them much
14 input, because I think SFFA is doing a very good job
15 in representing its interests and my interests in the
16 case. So I haven't had to, like, tell them what I
17 would do differently.

18 MR. PARK: Thank you. I again caution
19 the witness not to disclose contents of communications
20 with lawyers.

21 Q. (BY MR. DULBERG) Setting aside your
22 communications with lawyers, which Mr. Park and I
23 agree are off limits, what input have you provided
24 SFFA with respect to this case, if any?

25 A. I don't remember giving them a specific

1 A. I don't know of anyone who I know is a
2 member. There may be people who I know who happen to
3 be members, but I don't know that they're members.

4 Q. (BY MR. DULBERG) Have you ever attended
5 a meeting of SFFA?

6 MR. PARK: You can answer that. You can
7 answer.

8 A. No, I have not. Actually, I should
9 revise that. I was on a phone conference for SFFA
10 this past December.

11 Q. (BY MR. DULBERG) Is that a phone
12 conference that was open to all SFFA members, to the
13 best of your knowledge?

14 A. It was. All SFFA members received an
15 email a couple days before that stating there will be
16 this phone conference, dial in if you want to attend
17 it, and so I did.

18 Q. Was that the only time you were invited
19 to participate in a phone conference that all SFFA
20 members were invited to?

21 A. Yes.

22 Q. Do you know whether there have been any
23 other phone conferences of SFFA members as a whole?

24 A. I don't think there have been any
25 because, as I said, I have been a member since