Exhibit 3

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 2   HIGHLY CONFIDENTIAL-ATTORNEYS EYES ONLY

 3   IN THE UNITED STATES DISTRICT COURT

 4   FOR THE DISTRICT OF MASSACHUSETTS

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

   ----------------------------X

 6

   STUDENTS FOR FAIR ADMISSIONS,

 7   INC.,

 8   Plaintiff,

 9   v.

10   PRESIDENT AND FELLOWS OF

   HARVARD COLLEGE

11   (HARVARD CORPORATION),

12   Defendant.

13   ----------------------------X

14   VIDEOTAPED DEPOSITION OF

15   DAVID CARD, Ph.D.

16   Washington, DC

17   April 27, 2018

18   9:07 AM

19

20

21   Reported by:

22   Karen Brynteson, RMR, CRR, FAPR

23   Job No. 139809

24

25

 1   D. Card

 2   those other components, you would have

 3   considered it appropriate to exclude them

 4   from the model?

 5   MS. ELLSWORTH: Object to the

 6   form.

 7   THE WITNESS: Well, Dean

 8   Fitzsimmons stated very clearly

 9   that race was used in part to

10   determine the overall rating, but

11   that that was not the case with the

12   other pro -- profile ratings.

13   And several other of the

14   admissions officers concurred with

15   that very strongly on direct

16   question.

17   BY MR. STRAWBRIDGE:

18   Q.   And you believed them?

19   MS. ELLSWORTH: Object to the

20   form.

21   THE WITNESS: I had no reason

22   not to believe them.

23   BY MR. STRAWBRIDGE:

24   Q.   You didn't see any other

25   evidence that made you think that you

1   D. Card

2   should exclude any other variables based

3   on the potential that race was affecting

4   them?

5   A.   I -- when I was finishing my

6   -- in the process of trying to finish my

7   rebuttal report, it was very clear that

8   there were a number of disagreements

9   between Professor Arcidiacono and me on a

10   couple of issues.

11   And so I -- I was able to ask

12   Dean Fitzsimmons directly in a telephone

13   conversation if race was involved in the

14   personal rating, for example, and he said

15   no.

16   Q.   Did you do anything to verify

17   his testimony?

18   MS. ELLSWORTH: Object to the

19   form.

20   THE WITNESS: No.

21   BY MR. STRAWBRIDGE:

22   Q.   You're familiar with what it

23   means to interact a variable in the

24   multivariate logit model?

25   A.   In general terms, yes.

1   D. Card

2   Q.   Would you agree that an

3   interaction simply multiplies one

4   variable by another variable to show how

5   the presence or absence of the second

6   variable modifies the effect of the

7   first?

8   A.   Yes.

9   Q.   If that sounds familiar, in

10 fact, that's language from your report,

11 is it not?

12   A.   I believe it is, yes.

13   Q.   And in modeling the effect of

14 race on admissions outcomes, for example,

15 you would agree that one should include

16 an interaction between race and

17 disadvantaged status if the effect of

18 race is different for disadvantaged and

19 non-disadvantaged applicants?

20   A.   One could do that. There's

21 advantages and disadvantages to that but,

22 yeah, you could do that.

23   Q.   I mean, let's look at page --

24 let's look at paragraph 100 of your

25 report on page 49.

1

2   DISTRICT OF COLUMBIA, to wit:

3

4   I, Karen K. Brynteson, the
       officer before whom the foregoing
5   deposition was taken, do hereby certify
       that the within-named witness
6   personally appeared before me at the
       time and place herein set out, and
7   after having been duly sworn by me,
       according to law, was examined by
8   counsel.

9

10   I further certify that the
       examination was recorded
11   stenographically by me and this
       transcript is a true record of the
12   proceedings.

13

14   I further certify that I am
       not of counsel to any of the parties,
15   nor an employee of counsel, nor related
       to any of the parties, nor in any way
16   interested in the outcome of this
       action.

17

               As witness my hand and
18   notarial seal this 9th day of May,
       2018.

19

20

21

                 _____
22   KAREN K. BRYNTESON
23   Notary Public

24

       MY COMMISSION EXPIRES: 10-30-22

25