

Exhibit 10

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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,

vs.

Civil Action No.
1:14-cv-14176

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION);
and THE HONORABLE AND REVEREND
THE BOARD OF OVERSEERS,

Defendants.

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- HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY -

DEPOSITION OF RAKESH KHURANA, a
witness called by the Plaintiff, taken
pursuant to the applicable provisions of
the Federal Rules of Civil Procedure,
before James A. Scally, RMR, CRR, a
Notary Public in and for the Commonwealth
of Massachusetts, at the offices of
WilmerHale, 60 State Street, Boston,
Massachusetts, on Thursday, April 27,
2017, commencing at 9:06 a.m.

1 had a separate institution for the education of
2 American Indians at its founding?

3 A. Yes.

4 Q. And that for the first couple centuries of
5 the school's existence, it did not educate women?

6 A. Yes.

7 Q. And that under the presidency of Abbott
8 Lawrence Lowell, the Harvard administration
9 restricted the numbers of Jewish students and barred
10 African-American men at the college from residing in
11 freshman dormitories? Does it --

12 A. Yes.

13 Q. -- include that history?

14 What do you know about the history of Jewish
15 discrimination in the Harvard admissions process?

16 MS. ELLSWORTH: Objection.

17 A. That Harvard discriminated against people who
18 identified as Jewish.

19 Q. And what -- what have you read about that?

20 MS. ELLSWORTH: Objection.

21 A. Could you ask the question?

22 Q. What have you read about that? What is the
23 source of your knowledge of that discrimination?

24 MS. ELLSWORTH: Objection.

1 A. Scholarship on the subject.

2 Q. The book by Jerome Karabel, "The Chosen"?

3 A. That would be one example.

4 Q. Have you read that book?

5 A. Yes.

6 Q. Do you have any reason to doubt his
7 conclusions about the history of what happened with
8 respect to Jewish discrimination?

9 MS. ELLSWORTH: Objection.

10 A. No.

11 Q. In fact, he relied on a number of documents
12 from Harvard itself; correct?

13 MS. ELLSWORTH: Objection.

14 A. I believe so.

15 Q. Letters and other documents in the Harvard
16 archives?

17 MS. ELLSWORTH: Objection.

18 A. I believe so.

19 Q. Do you know whether or not -- or do you
20 recall, when you read that book, whether or not at
21 the time that Harvard was restricting the number of
22 Jewish students it was doing so under a holistic
23 admissions process?

24 MS. ELLSWORTH: Objection.

1 A. Yes.

2 Q. In fact, does the book describe the fact that
3 the holistic admissions process was adopted in part
4 to permit the school to identify who was Jewish in
5 the applicant pool?

6 MS. ELLSWORTH: Objection.

7 A. I believe that's how the book characterizes
8 the -- one of the reasons for the holistic admissions
9 process.

10 Q. Do you have any basis for disputing that
11 characterization?

12 MS. ELLSWORTH: Objection.

13 A. Yes.

14 Q. And what is the basis for your -- for
15 disputing that characterization?

16 A. That there were other reasons for adopting a
17 holistic admissions process as well.

18 Q. So I mean do you -- is it your belief that
19 the holistic admissions process had nothing to do
20 with identifying who was Jewish in the applicant
21 pool?

22 A. No.

23 Q. You think that was one of the reasons?

24 A. Yes.

1 Q. You just don't think it was the only reason?

2 A. Yes.

3 Q. On page 6 of this report, there's a reference
4 to an argument that Harvard made in the Grutter v.
5 Bollinger case in a block quote in the middle of the
6 page. Do you see that?

7 A. Yes.

8 Q. And in it, it says, "The educational benefits
9 of student diversity include the discovery that there
10 is a broad range of viewpoints and experiences within
11 any given minority community - as well as learning
12 that certain imagined differences at times turn out
13 to be only skin deep."

14 A. May I read this paragraph?

15 Q. Yeah, please. (Pause.)

16 Do you see the reference that I just read to
17 the educational benefits of student diversity, about
18 there being a broad range of viewpoints and
19 experiences within any given minority community?

20 A. Yes.

21 Q. Okay. Do you agree with that statement?

22 A. In general, yes.

23 Q. And is that one of the educational benefits
24 of diversity that Harvard is attempting to achieve

1 COMMONWEALTH OF MASSACHUSETTS SUFFOLK, SS.
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3 I, JAMES A. SCALLY, RMR, CRR, a
4 Certified Shorthand Reporter and Notary Public duly
5 commissioned and qualified in and for the
6 Commonwealth of Massachusetts, do hereby certify that
7 there came before me on the 27th day of April, 2017,
8 at 9:06 a.m., the person hereinbefore named, RAKESH
9 KHURANA, who provided satisfactory evidence of
10 identification as prescribed by Executive Order 455
11 (03-13) issued by the Governor of the Commonwealth of
12 Massachusetts, was by me duly sworn to testify to the
13 truth and nothing but the truth of his knowledge
14 concerning the matters in controversy in this cause;
15 that he was thereupon examined upon his oath, and his
16 examination reduced to typewriting under my
17 direction; and that this is a true record of the
18 testimony given by the witness to the best of my
19 ability.

20 I further certify that I am neither
21 attorney or counsel for, nor related to or employed
22 by, any of the parties to the action in which this
23 deposition is taken, and further, that I am not a
24 relative or employee of any attorney or counsel
employed by the parties hereto or financially
interested in the action.

My Commission Expires: April 8, 2022

James A. Scally, RMR, CRR
CSR/Notary Public