EXHIBIT 1

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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

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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   believe would be important in

3   assigning the personal rating that

4   is missing from Professor

5   Arcidiacono's personal rating model

6   and is also missing from our --

7   from the database entirely.

8   So there is not much we can do

9   about that.

10   BY MR. STRAWBRIDGE:

11   Q.   And is it your assumption that

12   if we had that information, it would

13   close the gap in the personal rating

14   between Asians and whites?

15   MS. ELLSWORTH: Object to the

16   form.

17   THE WITNESS: I don't have

18   direct evidence on that. What I do

19   know is that the personal rating

20   assigned to whites is higher than

21   the personal rating assigned to

22   Asians, conditional on the observed

23   factors. And so one of the

24   conjectures would be that that

25   might be part of the story.

1   D. Card

2   BY MR. STRAWBRIDGE:

3   Q.   But it could also be because

4   of racial bias?

5   MS. ELLSWORTH: Object to the

6   form.

7   THE WITNESS: Well, I can't

8   actually rule that out.

9   BY MR. STRAWBRIDGE:

10   Q.   Can you come up with a logical

11   explanation as to why the essays would

12   explain that difference?

13   MS. ELLSWORTH: Objection.

14   THE WITNESS: No. I haven't

15   really given any thought to that.

16   I -- it's pretty standard in this

17   kind of statistical analysis to

18   have unobserved components and to

19   be carefully thinking about what

20   exactly is missing and how that

21   could potentially play a role, but

22   it's -- in my experience it isn't

23   always useful to speculate much

24   more beyond that, just other than

25   to notice that there are lots of

1   D. Card

2   unobserved factors.

3   In the personal rating case

4   because the explanatory power is so

5   limited, it seems like that role

6   could be particularly important.

7   BY MR. STRAWBRIDGE:

8   Q.   And -- and I guess I am just

9   trying to understand. Do you think that

10   if you had the essays, it would further

11   explain the gap between Asians and whites

12   in a way that racial bias would not

13   explain that gap?

14   MS. ELLSWORTH: Objection.

15   THE WITNESS: I -- I don't

16   know how you would actually do that

17   exercise. When you say if I had

18   the personal essay, it seems to

19   imply that somehow you could use --

20   put the personal essay in the

21   logistic regression model.

22   BY MR. STRAWBRIDGE:

23   Q.   Well, your assumption is that

24   that's what Harvard is seeing that you

25   are not seeing that explains this

 1   D. Card

 2   disparity, right?

 3   MS. ELLSWORTH: Objection.

 4   THE WITNESS: I am giving that

 5   as an example of one piece of

 6   information that Harvard is seeing

 7   that I'm not seeing. And it is a

 8   very complicated piece of

 9   information.

10   It has writing quality. It

11   has some characteristics that the

12   student wants to bring to the

13   attention to the committee. It has

14   maybe an element of creativity that

15   allows the committee to judge how

16   creative this person is. So it's a

17   multi -- even that alone is

18   multi-dimensional.

19   BY MR. STRAWBRIDGE:

20   Q.   But do you think it is

21   reasonable to assume that the Asian

22   applicants are -- are not as strong on

23   those factors as the white applicants and

24   that if we had the essays, we would be

25   able to determine that?

1   D. Card

2   MS. ELLSWORTH: Object to the

3   form.

4   THE WITNESS: Well, I'm not

5   aware of any way to quantify

6   something like the personal essay

7   and make it into a representation.

8   I think that would be beyond

9   the limits of what currently is

10   possible in -- in text analysis and

11   data analysis at this stage.

12   BY MR. STRAWBRIDGE:

13   Q.   Does your report conclude that

14   Asian applicants in general are less

15   multi-dimensional than white applicants?

16   A.   I concluded that Asian

17   applicants are less likely to have, for

18   example, three 2's and a 3, that kind of

19   a characterization, in the -- in these

20   four profile ratings.

21   Q.   And that's what you deem as

22   multi-dimensional, correct?

23   A.   Well, one could imagine

24   multi-dimensional including even more

25   categories than that. For example,

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