



August 27, 2020

**Sent via Electronic Mail**

Nelson D. Hermilla  
Chief, FOIA/PA Branch BICN Bldg., Room 3234  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

**RE: Freedom of Information Act Request re Yale, Brown, and Dartmouth  
Complaint and Investigation**

Dear Mr. Hermilla:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF), we request the inspection and copying of certain public records under the Freedom of Information Act, 5 U.S.C. § 552, concerning activities undertaken by the U.S. Department of Justice's ("the Department's") Civil Rights Division to investigate alleged race discrimination. Unless otherwise indicated, this request is for information for the period beginning on January 1, 2016, to the present. Please be advised that "document" means notes, reports, memoranda, letters, correspondence, recordings or any writing of any kind whatsoever, e-mail messages and correspondence, drawings, graphs, charts, photographs, tape recordings, video footage, diaries, appointment books, calendars, telephone records, telephone messages, computer records and any other data from which information can be obtained including originals, non-identical copies, and drafts. We request the following categories of information:

1. Any and all final documents containing information, policies, guidance, opinions, directives, or memoranda resulting from the Department's review of the complaint filed by Asian American Coalition for Education ("ACE Complaint") on May 23, 2016.
2. Any and all documents providing a basis for expanding the Department's investigation beyond the allegations in the ACE Complaint to include alleged discrimination against non-Asian American students in the undergraduate admissions at Yale College.
3. Any and all documents containing information, policies, guidance, opinions, directives, or final memoranda, on which the Department based its determination that Yale University violated, and is continuing to violate, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., ("Title VI") by discriminating against certain domestic non-transfer applicants to Yale College on the basis of race and national origin, as set forth in the Department's letter to Yale University, dated August 13, 2020 ("August 13 Letter").

4. Any and all documents containing information, policies, guidance, opinions, directives, or final memoranda, on which the Department based its determination that Yale University violated, and is continuing to violate, Title VI implementing regulations by discriminating against certain domestic non-transfer applicants to Yale College on the basis of race and national origin, as set forth in the August 13 Letter. *See* 28 C.F.R. §§ 42.107(d) & 42.108(d).
5. Any and all documents and data received by the Department since May 23, 2016, related to its Title VI investigation into alleged discrimination in undergraduate admissions at Yale College.
6. Any and all of the Department's requests for documents from Yale University, to which Yale University have not fully responded as of August 13, 2020, related to its Title VI investigation into alleged discrimination in undergraduate admissions at Yale College.
7. Any and all documents received, but not yet reviewed by the Department, as of August 13, 2020, related to its Title VI investigation into alleged discrimination in undergraduate admissions at Yale College.
8. Any and all records, transcripts, notes, and memoranda of interviews conducted by the Department since April 5, 2018, related to its Title VI investigation into alleged discrimination in undergraduate admissions at Yale College.
9. The basis and authority for the Department's determination that Yale University must not use race or national origin, as permitted by the United States Supreme Court, in its upcoming 2020-2021 undergraduate admissions cycle.
10. The basis and authority for the Department to require that, before considering race or national origin in future admissions cycles, Yale University must first submit a proposal to and receive approval from the Department, and include an end date to Yale's use of race and national origin in admissions.
11. The Department's reasons for identifying August 27, 2020, as the deadline for Yale University's termination of its consideration of race and national origin in its undergraduate admissions.

#### Brown University

12. Any and all documents and data received by the Department since April 5, 2018, related to its Title VI investigation into alleged discrimination in undergraduate admissions at Brown University.
13. Any and all of the Department's requests for documents from Brown University, to which Brown University has not fully responded as of the date of the Department's response to this FOIA request, related to its Title VI investigation into alleged discrimination in undergraduate admissions at Brown University.



14. Any and all documents received, but not yet reviewed by the Department, as of the date of the Department's response to this FOIA request, related to its Title VI investigation into alleged discrimination in undergraduate admissions at Brown University.
15. Any and all records, transcripts, notes, and memoranda of interviews conducted by the Department since April 5, 2018, related to its Title VI investigation into alleged discrimination in undergraduate admissions at Brown University.

#### Dartmouth College

16. Any and all documents and data received by the Department since April 5, 2018 related to its Title VI investigation into alleged discrimination in undergraduate admissions at Dartmouth College.
17. Any and all of the Department's requests for documents from Dartmouth College, to which Dartmouth College has not fully responded as of the date of the Department's response to this FOIA request, related to its Title VI investigation into alleged discrimination in undergraduate admissions at Dartmouth College.
18. Any and all documents received, but not yet reviewed by the Department, as of the date of the Department's response to this FOIA request, related to its Title VI investigation into alleged discrimination in undergraduate admissions at Dartmouth College.
19. Any and all records, transcripts, notes, and memoranda of interviews conducted by the Department since April 5, 2018, related to its Title VI investigation into alleged discrimination in undergraduate admissions at Dartmouth College.

We seek your response no later than 20 business days after receipt of this request. If necessary, please provide the information on a rolling basis. Additionally, please provide the requested information in an electronic format that is searchable and analyzable. Please also provide any individual computer records or scanned documents in a searchable format, such as Microsoft Word or searchable Adobe Acrobat pdf, and any data and statistical information in a format that is searchable and analyzable, such as a .txt or .csv file or an Excel spreadsheet. Documents and data extracts should include necessary variable definitions and descriptions to facilitate understanding and analysis. We request the entire record containing the responsive information. Accordingly, we seek each document in its entirety; please do not redact portions of any record as "non-responsive" or "out of scope." If it is your position that responsive records exist, but those records or portions of those records are exempt from disclosure, please identify the records that are being withheld and state the basis for the denial for each record being withheld. Please provide the nonexempt portions of the records.

#### **Request for Waiver or Limitation of Fees**

We respectfully request a waiver of all fees associated with this request, because we are a 501(c)(3) non-profit organization and do not seek the records for a commercial purpose, and



disclosure of the records is in the public interest as it will contribute significantly to the public's understanding of changes to policy and enforcement by the Civil Rights Division. If the Civil Rights Division declines our request for a waiver, we agree to pay the \$25 FOIA processing fee, and request an invoice detailing additional reasonable standard charges prior to fulfilling this request.

If you would like to discuss this matter further with our office, please contact Cara McClellan at [cmcclellan@naacpldf.org](mailto:cmcclellan@naacpldf.org) or Monique Lin-Luse at [mclinluse@naacpldf.org](mailto:mclinluse@naacpldf.org).

Sincerely,

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