



THE EQUAL PROTECTION PROJECT
A Project of the Legal Insurrection Foundation
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December 7, 2025

BY EMAIL

Hon. Harmeet K. Dhillon, Esq.
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Re: Complaint Regarding Racism In Admissions - Harvard Union Scholars Program

Dear Assistant Attorney General Dhillon:

The Equal Protection Project of the Legal Insurrection Foundation is a non-profit entity that, among other things, seeks to ensure equal protection under the law and opposes unlawful discrimination in any form.

We write to request that the Department of Justice open an investigation into Harvard University's involvement in the Union Scholars Program ("Union Scholars"), a program run jointly by the American Federation of State, County, and Municipal Employees ("AFSCME") and Harvard. Although administered by AFSCME, Harvard partners in, promotes, and provides institutional support for this program that is open only to individuals from "historically marginalized communities," which AFSCME describes in its promotional materials as "students of color." Such racially discriminatory admissions criteria utilized in a joint program run by Harvard are particularly outrageous considering Harvard was the subject of the Supreme Court's 2023 ruling prohibiting use of race in admissions.

I. Union Scholars Program – For “Students of Color”

AFSCME has run the Union Scholars Program since 2003,¹ when it was created in partnership with Harvard Law School’s Center for Labor and a Just Economy and the Wurf Fund.² The program is for “students of color”³ and provides ten applicants with a \$4,800 stipend, a \$6,000 need-based scholarship, paid housing and travel, among other benefits.⁴



AFSCME Family Scholarship

\$2,000 renewable scholarship awarded to high school seniors each year.

Union Plus Scholarship

Active and retiree AFSCME members, spouses and dependent children are eligible to apply.

Gerald W. McEntee Scholarship

In honor of former AFSCME Pres. Jerry McEntee, this one-time \$5,000 scholarship is awarded annually to an AFSCME member for use towards higher education.

Union Scholars

A summer internship program for students of color passionate about social justice and workers' rights.

AFSCME Affiliate Scholarship Programs

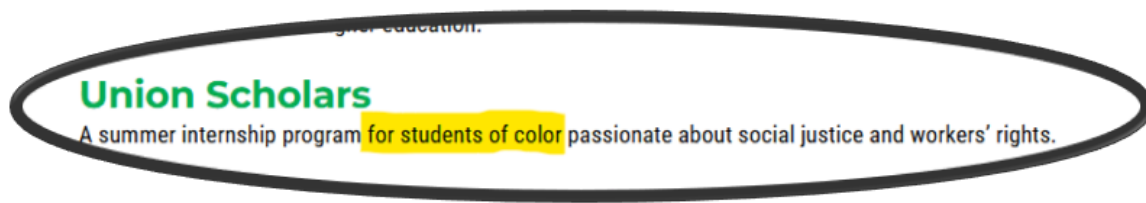
Many AFSCME affiliates have special scholarship programs designed to help their members pursue educational opportunities to advance on the job and/or enrich their daily lives.

¹ <https://htup.law.harvard.edu/htup-program/history/> [<https://archive.is/wip/Xt7Y7>] (accessed December 4, 2025).

² The Jerry Wurf Memorial Fund (“Wurf Fund”) is an AFSCME endowment that supports Harvard-based labor education programs, including the Harvard Union Scholars Program, leadership training, and the Wurf Memorial Forum, all aimed at developing and supporting future labor leaders. See <https://htup.law.harvard.edu/htup-program/history/> [<https://archive.is/wip/I1uH0>] (accessed December 4, 2025).

³ <https://www.afscme.org/member-resources/scholarships> [<https://archive.ph/wip/zUvc1>] (accessed December 4, 2025).

⁴ <https://www.afscme.org/about/careers/union-scholars> [<https://archive.is/wip/VedLi>] (accessed December 4, 2025).



(Relevant wording highlighted in yellow throughout)

The image is a screenshot of a webpage for the "Union Scholars" program. At the top, there is a navigation bar with the AFSCME logo and the text "CAREERS AT AFSCME". Below this is a large banner with a dark background and a photo of people. The banner features the text "Union Scholars" in large white letters, and below it, "A summer internship program for students passionate about social justice and workers' rights." Below the banner, there is a paragraph of text: "In partnership with the Harvard University Center for Labor and a Just Economy and the Wurf Fund, the American Federation of State, County and Municipal Employees (AFSCME) Union introduces the Union Scholars Program: a summer scholarship and internship opportunity that prioritizes the experiences of students of historically marginalized communities." Below this paragraph, there is a smaller photo of a group of people, with a play button icon overlaid on it. At the bottom left, there is a line of text: "The scholarship includes a paid summer internship, paid housing for 8 weeks".

Participants must complete “a 6-week field placement on a union organizing campaign” and other required activities.⁵ The internship trains students to recruit workers for union membership, conduct site visits, organize meetings and rallies, and participate in on-the-ground campaign operations under AFSCME supervision, concluding with a mandatory debriefing at AFSCME’s national headquarters in Washington, D.C.

⁵ <https://www.afscme.org/about/careers/union-scholars> [<https://archive.is/wip/VedLi>] (accessed December 4, 2025).

Selected Participants Will Receive

- A 4-day orientation to prepare for their internship
- A 6-week field placement on a union organizing campaign in one of several locations across the United States in the summer of 2026
- A 3-day Debrief to reflect on the experience
- A living stipend; \$4800
- A scholarship based on financial need at the university, once program requirements have been met, \$6000
- Housing (paid for)
- Rental cars (paid for)
- All expenses for this internship PAID (including flights, trains, etc.)

The program operates on a yearly cycle, with application periods that are publicly promoted.⁶ The application period for the next session closes on February 28, 2026. Current AFSCME materials and application portals confirm that the program's structure—including the multi-day Harvard orientation and the Wurf Fund's financial support—remains active on AFSCME's website.

⁶ <https://www.afscme.org/about/careers/union-scholars> [<https://archive.is/wip/VedLi>] (accessed December 4, 2025).

Selection Process

Applications are due February 28, 2026. All applications are read thoroughly and reviewed for the students' interests, inspirations, values, and goals. Knowledge about unions and experience in the labor movement are not required for a student to be accepted into the Program. However, students with a desire to be a union organizer or have a career in labor are strongly encouraged to apply.

Applicants considered for interviews will be contacted in March for a virtual conversation with the AFSCME Education and Leadership Training Department.

10 successful applicants will be chosen for the Program. All applicants will be notified by phone or email.

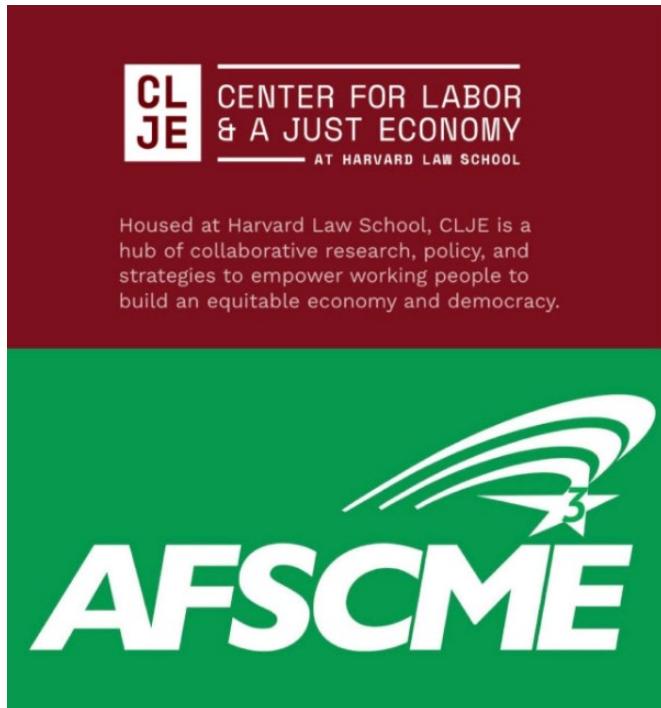
II. Harvard Involvement

Harvard partnered with AFSCME to run the Union Scholars Program.⁷ The program's application states: "In partnership with the Harvard University Center for Labor and a Just Economy and the Jerry Wurf Fund, the American Federation of State, County and Municipal Employees (AFSCME) Union introduces the Union Scholars Program: a summer scholarship and internship opportunity..."⁸ Harvard's name and information is placed throughout the Program materials.⁹

⁷ https://www.linkedin.com/posts/cljeharvard_each-year-afscme-and-the-center-for-labor-activity-7097726058740785152-fMEm/ [<https://archive.is/wip/kvMaM>] (accessed December 4, 2025).

⁸ <https://www.afscme.org/about/careers/union-scholars> [<https://archive.is/wip/VedLi>] (accessed December 4, 2025).

⁹ <https://unionscholars.secure-platform.com/a/solicitations/login/?returnUrl=https%3A%2F%2Funionscholars.secure-platform.com%2Fa%2Fsolicitations%2F7%2Fhome> [<https://archive.ph/wip/DFqMJ>] (accessed December 4, 2025).



In partnership with the Harvard University Center for Labor and a Just Economy and the Wurf Fund, the American Federation of State, County and Municipal Employees (AFSCME) Union introduces the Union Scholars Program: a summer scholarship and internship opportunity that prioritizes the experiences of students of historically marginalized communities.

The scholarship includes a paid summer internship, paid housing for 8 weeks and mentorships for college sophomores and juniors. Students will take part in a hands-on organizing experience with AFSCME members and enjoy an opportunity to travel and receive valuable, resume-building experience – all while getting paid.

[*Click here to access the 2026 application.*](#)

The orientation is held on Harvard’s campus and includes training sessions led by Harvard-affiliated labor educators.¹⁰ Harvard’s Center for Labor and a Just Economy and the Jerry Wurf Memorial Fund provide institutional and financial support to the program. Faculty and staff from Harvard help design and deliver educational content, including workshops on union organizing and workers’ rights.

Harvard has also promoted the program through its official online platforms, reflecting its active participation in the initiative. The tentative 2026 Program Dates already have been posted by Harvard¹¹ and the application portal is open.¹²

2026 Program Dates - TBD

- Orientation, Harvard University, Cambridge, MA
- Field Campaign, Various Locations
- Debrief, AFSCME Headquarters, Washington D.C.

III. Union Scholars Program Race-Based Admissions Requirements

The Union Scholars Program is explicitly race-restricted. Its eligibility requirements state that applicants must “[b]e a college student of a historically marginalized community.”¹³ The phrase “historically marginalized community”¹⁴ is often used as an alternative to “underrepresented minority,” and AFSCME makes this meaning clear elsewhere.

¹⁰ <https://www.afscme.org/about/careers/union-scholars> [<https://archive.is/wip/VedLi>] (accessed December 4, 2025).

¹¹ https://www.linkedin.com/posts/cljeharvard_union-scholars-activity-7209587659336224770-gowv?utm_source=share&utm_medium=member_desktop&rcm=ACoAAB8Y0fEBrFfIPjfAnaPnqHf_A0or056Kxzw [<https://archive.ph/wip/xXaYA>] (accessed December 4, 2025).

¹² <https://unionscholars.secure-platform.com/a/solicitations/login/?returnUrl=https%3A%2F%2Funionscholars.secure-platform.com%2Fa%2Fsolicitations%2F7%2Fhome> [<https://archive.is/DFqMJ>] (accessed December 4, 2025)

¹³ <https://www.afscme.org/about/careers/union-scholars> [<https://archive.is/wip/VedLi>] (accessed December 4, 2025).

¹⁴ “Historically marginalized communities” is the inclusive alternative to the term “Underrepresented Minority.” *See* https://ohr.dc.gov/sites/default/files/dc/sites/ohr/page_content/attachments/OHR_ORE_RacialEquity_ILG_April2023.pdf [<https://archive.is/wip/2hNo6>] (accessed November 16, 2025). Further, courts often define the term “historically marginalized communities” to include “Black,”

Eligibility Requirements

To qualify for the internship, applicants must:

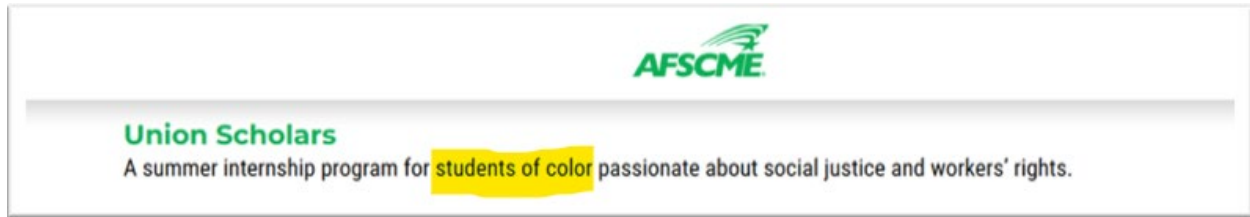
- Be an undergraduate sophomore or junior at the time of the application and the interview process
- Have a minimum 2.5 cumulative grade point average
- Be a college student of a historically marginalized community
- Demonstrate interest in working for social and economic justice through the labor union movement
- Have a valid driver's license
- Provide a faculty recommendation

On its “Scholarships” page, the program is described as “a summer internship program for students of color passionate about social justice and workers’ rights.”¹⁵ This language is consistent with prior descriptions of the program on other platforms.¹⁶

“African-American”, “people of color,” or “Hispanic”/“Latinx” persons, and to exclude “white” persons. *See New Georgia Project, Inc. v. Attorney General, State of Georgia*, 106 F.4th 1237, 1239 (11th Cir. 2024) (defining “historically marginalized communities” as including “Black” and “Latinx” citizens); *see also Mendez v. Loudon Cnty. Sch. Bd.*, 65 F.4th 157, 160, 165 (4th Cir. 2023) (equating students who had been “historically marginalized” with “students of color”); *Newman v. Google LLC*, 687 F. Supp. 3d 863, 870 (N.D. Cal. 2023) (defining “historically marginalized consumers” as those being “like” the “African American and Hispanic” Plaintiffs, and not “white” persons); *Finn v. Cobb Cnty. Bd. of Elections & Registration*, 682 F. Supp. 3d 1331, 1334 (N.D. Ga. 2023) (discussing “the voting rights of historically marginalized communities, including those of Black and Latinx voters”); *FSC Interactive, LLC v. Rogers Collective, Inc.*, No. 22-cv-4450, 2025 WL 790444, at *1 (E.D. La. Mar. 12, 2025) (referencing brief in support of motion for partial summary judgment for definition of “historically marginalized groups,” which included “women” and “people of color”); *Voice of the Experienced v. Ardoin*, No. 23-cv-331-JWD-SDJ, 2024 WL 2142991, at *25 (M.D. La. May 13, 2024) (noting that the term “historically marginalized...focus[es] on Black Louisianans and communities of color.”)

¹⁵ <https://www.afscme.org/member-resources/scholarships> [<https://archive.ph/wip/tjyAJ>] (accessed December 4, 2025).

¹⁶ The Corella & Bertram F. Bonner Foundation includes a posting for the internship stating it is only for students of color. <https://www.bonner.org/announcements/2023/3/8/applications-open->



IV. The Union Scholars Program Violates The Law

Harvard is a private university that receives significant federal funding, including from the Department of Justice, and is required to comply with Title VI. The Union Scholars Program violates Title VI because, according to AFSCME’s own website, it conditions eligibility for participation on a student’s race, color, or national origin (“students of color”).

Title VI of the Civil Rights Act prohibits intentional discrimination on the basis of race, color, or national origin in any “program or activity” that receives federal financial assistance. *See* 42 U.S.C. § 2000d. The term “program or activity” means “all of the operations ... of a college, university, or other postsecondary institution, or a public system of higher education.” *See* 42 U.S.C. § 2000d-4a(2)(A); *Rowles v. Curators of the Univ. of Mo.*, 983 F.3d 345, 355 (8th Cir. 2020) (“Title VI prohibits discrimination on the basis of race in federally funded programs,” and thus applies to universities receiving federal financial assistance). As Harvard receives federal funds, including from the Department of Justice,¹⁷ it is subject to Title VI.

Harvard is familiar with the law prohibiting use of race in admissions, as it was a party in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023), where the Supreme Court declared that “[e]liminating racial discrimination means eliminating all of it The guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color. If both are not accorded the same protection, then it is not equal.” *Id.* at 206 (cleaned up). “Distinctions between citizens solely because of their ancestry [including race] are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.” *Id.* at 208.

[for-union-scholars-summer-internship-program \[https://archive.is/wip/6WHoW\]](https://archive.is/wip/6WHoW) (accessed December 4, 2025). External scholarship websites also reflect this eligibility requirement. <https://www.scholarships.com/scholarships/afscme-union-scholars-program-summer-internship> [<https://archive.is/wip/QUpc2>] (accessed December 4, 2025). This limitation is further acknowledged in articles discussing the program. https://allhiphop.com/news/harvard-university-teams-up-with-afscme-to-give-internships-to-youth-of-color/#google_vignette [<https://archive.is/wip/vSVIr>] (accessed December 4, 2025).

¹⁷ https://www.usaspending.gov/award/ASST_NON_15PNIJ23GK01928HT_015 [<https://archive.is/wip/CwEv7>] (accessed November 16, 2025).

Regardless of Harvard’s reasons for offering, promoting, and administering such a discriminatory program, it is violating Title VI by doing so. It does not matter if the recipient of federal funding discriminates in order to advance a benign “intention” or “motivation.” *Bostock v. Clayton Cnty.*, 590 U.S. 644, 661 (2020) (“Intentionally burning down a neighbor’s house is arson, even if the perpetrator’s ultimate intention (or motivation) is only to improve the view.”); *accord Automobile Workers v. Johnson Controls, Inc.*, 499 U.S. 187, 199 (1991) (“the absence of a malevolent motive does not convert a facially discriminatory policy into a neutral policy with a discriminatory effect” or “alter [its] intentionally discriminatory character”). “Nor does it matter if the recipient discriminates against an individual member of a protected class with the idea that doing so might favor the interests of that class as a whole or otherwise promote equality at the group level.” *Students for Fair Admissions*, 600 U.S. at 289 (Gorsuch, J., concurring).

While the use of racial preferences described above is explicit, it is also clear from AFSCME and Harvard’s websites that the program is “signaling” a preference for minority students as recipients of this paid internship, which is unlawful. *See Ragin v. New York Times Co.*, 923 F.2d 995, 999–1000 (2d Cir. 1991) (Fair Housing Act prohibits all housing advertisements that indicate racial preference to ordinary readers; “Ordinary readers may reasonably infer a racial message from advertisements that are more subtle than the hypothetical swastika or burning cross, and we read the word ‘preference’ to describe any ad that would discourage an ordinary reader of a particular race from answering it”).

Because Harvard’s racial and/or ethnicity-based requirement for this program is presumptively invalid, the use of such criteria violates federal civil rights statutes.

V. Request For Investigation And Enforcement

The Department of Justice has the power and obligation to investigate Harvard’s involvement in the Union Scholars Program as well as the duty to impose whatever remedial relief is necessary to do so. This includes, if necessary, imposing fines, initiating administrative proceedings to suspend or terminate federal financial assistance and referring the case to the Department of Justice for judicial proceedings to enforce the rights of the United States under federal law. After all, “[t]he way to stop discrimination ... is to stop discriminating[.]” *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 748 (2007).

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Considering that Harvard litigated the issue of race-based admissions all the way to the Supreme Court and lost, prompt and aggressive DOJ action is warranted. Accordingly, we respectfully request that the Department of Justice promptly open a formal investigation and, depending on its outcome, initiate legal action to impose appropriate remedial relief. Such relief is necessary both to remedy the unlawful exclusion of individuals from the Union Scholars Program and to ensure that all ongoing and future program activities comply with federal civil rights laws.

Respectfully submitted,

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