



March 10, 2026

Hon. Kathy Hochul
Governor of New York
New York State Capitol Building
Albany, NY 12224
governor.hochul@exec.ny.gov

Via Email & FedEx

Re: New York's Unconstitutional CSTEP Program

Dear Governor Hochul:

We write on behalf of Pacific Legal Foundation and the Equal Protection Project, public-interest legal organizations dedicated to ensuring that government programs comply with the Constitution's guarantee of equal protection under the law. We are counsel for the plaintiffs in [Chu v. Rosa](#), a pending federal action challenging the constitutionality of New York's Science and Technology Entry Program (STEP).¹

The purpose of this letter is to address the closely related Collegiate Science and Technology Entry Program (CSTEP).² As currently structured, CSTEP raises the same constitutional concerns at issue in *Chu*. Specifically, CSTEP conditions eligibility on race, limiting participation to students deemed "minorities historically underrepresented," defined as "Black, Hispanic, American Indian or Alaskan native."³ In our view, that use of racial classifications cannot be reconciled with controlling Supreme Court precedent.

The Supreme Court has made clear that state programs that allocate benefits or opportunities based on race are presumptively unconstitutional and permissible only in exceedingly narrow circumstances. In *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, the Court reaffirmed that racial classifications are lawful only when necessary to remedy specific, identified instances of past discrimination by the government itself or to address imminent threats to human safety.⁴ CSTEP does not rest on either justification.

We are aware that the New York Department of Education has issued guidance stating that STEP and CSTEP applicants *may* be considered without regard to historically underrepresented minority status, race, or ethnicity. While some

¹ N.Y. Educ. Law § 6454; 8 NYCRR § 145-6.5(a).

² N.Y. Educ. Law § 6455; 8 NYCRR § 145-6.6(b)(1).

³ *Id.*

⁴ 600 U.S. 181, 207 (2023).

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institutions have elected to follow that guidance,⁵ others have not.⁶ In any event, discretionary guidance does not resolve the underlying constitutional issue. A program that authorizes race-based eligibility criteria remains constitutionally vulnerable so long as those criteria are permitted to operate.

Pacific Legal Foundation and the Equal Protection Project have extensive experience evaluating and litigating constitutional challenges to race-based government programs nationwide. Before determining whether further action is warranted here, we are providing the State with an opportunity to address these concerns directly.

Accordingly, we respectfully request that you inform us by **March 25, 2026**, whether New York intends to eliminate race as an eligibility criterion in the CSTEP Program. We will evaluate our options after receiving your response.

We appreciate your attention to this matter and look forward to hearing from you.

Sincerely,

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Cc: Commissioner Betty A. Rosa

⁵ See, e.g., SUNY Oswego - CSTEP, <https://ww1.oswego.edu/cstep/> [https://archive.is/reKBZ] (accessed Feb. 12, 2026).

⁶ See, e.g., University at Albany - CSTEP, <https://www.albany.edu/minerva-center/cstep> [https://archive.is/OKZwR] (accessed Feb. 12, 2026).