Dear Attorney General Reno:

I had the pleasure of arguing the above-captioned case [USA v. Brown ... MIT, et al.] pro bono publico before the Third Circuit on behalf of certain distinguished amici who supported the Massachusetts Institute of Technology. As you are no doubt aware, the Third Circuit has reversed the judgment of the district court and remanded it for further proceeding.

As amici, we think this case is a matter of profound public interest to all of the nation’s students whose parents are not affluent, and it is of overwhelming importance to the minority community throughout the United States. Accordingly, on behalf of all the amici, A. Leon Higginbotham, Jr., and the co-counsel for the other amici, would like to have the opportunity to meet with you to express our hope that the Justice Department will agree to meet with you to express our hope that the United States will not fundamentally alter the basic condition of the nation’s urban minority students. We trust that you are as deeply troubled by these conditions as we are.

We agree with Judge Weis that this case is not fundamentally an antitrust case. It is not, as the Sherman Act intended to prevent plundering by the robber barons, being used as a means of punishing, not predation, but philanthropy.

I agree with Judge Weis that this case is not fundamentally an antitrust case. I submit, respectfully, it is essentially an ant-competitive case or, at a minimum, a law suit with the least concern about its potential adverse impact on many who are not adequately provided for, even if MIT has a right to dismiss the case, it may not have sufficient resources to offer financial assistance. MIT is proud of the fact that its enrollment of minority students has increased from three percent thirty years ago to the present record where 18 percent of the enrolled students are from African-American, Native Americans and Hispanic minority groups. A dismissal of this case will allow MIT to continue its mission of making college education accessible and affordable to a large pool of poor and minority students.

We recognize that the suit was not intended with the impetus of your perception judgment as to how to best allocate the limited financial resources of the antitrust division or the limited financial resources of MIT. There is no honorable public value in running the risk of retrieving that community at our stellar academic institutions. This suit provides you and the Clinton administration a great opportunity to demonstrate what we know to be to your commitment to civil rights and your concern about expanding the options of the large numbers of talented persons how are poor.

At the meeting in your office, as a matter of courtesy, we would like to have counsel for MIT present so that they can be fully apprised of any positions we have taken. Although I write solely to represent the interests and concerns of the amici I represented before the Third Circuit, I must say that several congressional and other community leaders have expressed similar concerns about what they view would be a fundamental injustice if the department were to continue to prosecute this case against MIT.

I trust that I and the other amici will have the opportunity to meet with you promptly. Please have someone on your staff advise me as to the dates that would be most convenient for you.

A. Leon Higginbotham Jr.

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The Tech received a copy of this letter written to Attorney General Janet Reno by A. Leon Higginbotham Jr., a former chief judge of the Third Circuit Court of Appeals. Higginbotham's letter was one of many written to Reno by supporters of MIT.