

American Alliance for Equal Rights  
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*Via Electronic Mail*

The Honorable Harmeet Dhillon United States Department of Education Assistant Attorney General Office for Civil Rights U.S. Department of Justice 400 Maryland Avenue, SW Civil Rights Division Washington, DC 20202 950 Pennsylvania Avenue, NW OCR@ed.gov  
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**Re: Complaint Under Title VI Against South Asian Journalists Association – Race Discrimination in Scholarship Program**

To whom it may concern:

The American Alliance for Equal Rights (AAER) submits this complaint and requests an investigation into potential violations of federal anti-discrimination laws by the South Asian Journalists Association, Inc. (SAJA), a private nonprofit offering educational scholarships on the basis of race. Title VI of the Civil Rights Act of 1964 prohibits racial discrimination by “any program or activity receiving Federal financial assistance.”<sup>1</sup> Because South Asian Journalists Association is a 501(c)(6), tax-exempt organization, it receives “federal financial assistance” in the form of “a tax deduction for charitable contributions.”<sup>2</sup> So SAJA’s scholarship program is subject to Title VI and cannot operate with blatant race discrimination by excluding all students except those of South Asian descent. Indeed, “racial discrimination is invidious in all contexts,”<sup>3</sup> including educational scholarships.

In addition, Section 1981 of the Civil Rights Act of 1866, which prohibits racial discrimination in private contracting,<sup>4</sup> independently renders SAJA’s scholarship program illegal. Section 1981 “protects the equal rights of all persons . . . to make and enforce contracts without respect to race.”<sup>5</sup> SAJA’s scholarships are private contracts, conditioned upon recipients’ performance of future conduct;<sup>6</sup> therefore, restricting the contract to individuals of a particular race is unlawful.

<sup>1</sup> 42 U.S.C. § 2000d. <sup>2</sup> *McGlotten v. Connally*, 338 F. Supp. 448, 462 (D.D.C. 1972)

(three-judge panel). <sup>3</sup> *Students for Fair Admission v. Harvard*, 600 U.S. 181, 214 (2023) (“*SFFA*”) (cleaned up). <sup>4</sup> 42 U.S.C. § 1981(a).

<sup>5</sup> *Domino's Pizza, Inc. v. McDonald*, 546 U.S. 470, 474 (2006) (cleaned up).

<sup>6</sup> *SAJA 2026 Scholarship Program*, South Asian Journalists Association, <https://saja.org/scholarships> (last visited May 26, 2026).

Besides these statutory violations, SAJA's race-based scholarship program contravenes executive authority. President Trump's January 21, 2025, Executive Order, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity," directs the end of such race-based discrimination by private organizations. It instructs the Attorney General of the United States and all federal agency heads to "tak[e] . . . appropriate measures to encourage the private sector to end illegal discrimination and preferences."<sup>7</sup> Following that Executive Order, Attorney General Pam Bondi issued a Memorandum for All Federal Agencies further directing the end of racial discrimination, including by private entities. AAER believes that South Asian Journalists Association's open use of race preferences to distribute money and enter contractual agreements warrants action by this Office and the Attorney General under the Executive Order and related executive guidance.

Discriminatory programs like the South Asian Journalists Association's "violate the text and spirit of our longstanding federal civil-rights laws."<sup>8</sup> More fundamentally, such programs "undermine our national unity, as they deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement," promoting instead a "pernicious identity-based spoils system."<sup>9</sup> AAER therefore requests that this Office open an investigation into these concerns and remedy any illegal race discrimination.

## **I. SAJA's South-Asians-Only Scholarship Programs**

South Asian Journalists Association is a 501(c)(6), nonprofit corporation with its official headquarters in Sandy Springs, Georgia.<sup>10</sup> It was founded more than 30 years ago and today "represents 1,000+ journalists of South Asian origin working in the US and Canada."<sup>11</sup> SAJA describes itself as a "thriving network supporting peers and all who report on South Asia and its diaspora."<sup>12</sup>

As to its scholarship program, SAJA boasts that it "has awarded over \$400,000 in scholarships, internship and other awards to help graduate, undergraduate and high school students pursue their education and future careers in journalism."<sup>13</sup> Those scholarships go toward tuition for students pursuing journalism degrees—but only if they are from South Asian countries of origin or "of South Asian descent (which includes: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka and people of South Asian origin from the Caribbean)."<sup>14</sup> Students of any other race

<sup>7</sup> *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, Exec. Order 14173 § 1 (Jan 21, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/ending-illegal-discrimination-and-restoring-merit-based-opportunity/>.

<sup>8</sup> *Id.* at § 1. <sup>9</sup> *Id.*

<sup>10</sup> South Asian Journalists Association, Inc., Return of Organization Exempt from Income Tax (Form 990-N) for 2023, on file with Internal Revenue Service (accessed May 25, 2026). <sup>11</sup> *About*, South

Asian Journalists Association, <https://saja.org/about> (last visited May 26, 2026). <sup>12</sup> *Home*, South Asian Journalists Association, <https://saja.org/> (last visited May 27, 2026). <sup>13</sup> *Supra* note 11.

<sup>14</sup> *Supra* note 6.

(e.g., white, black, Hispanic, American Indian, Alaska Native, Pacific Islander) are not eligible to apply.

For its 2026 Scholarship Program, SAJA states that it will offer up to \$30,000 total to six South Asian students.<sup>15</sup> The 2025 SAJA Scholarship Program operated in a similar way, with SAJA awarding \$5,000 each to six students of South Asian descent.<sup>16</sup> The scholarships are not mere gift awards but function as contracts. Recipients must agree that they will (i) pursue a major in journalism, (ii) “volunteer” at SAJA’s annual convention or another SAJA event during the year in which they are a recipient, (iii) “promot[e] SAJA membership and activities and mak[e] donation appeals” at the SAJA event(s) they are required to attend, (iv) maintain active *paid* SAJA membership for at least five years, (v) “provide an update on their academic endeavors at the end of the school year associated with their award,” and (vi) give permission for their academic update to be published on SAJA’s website and social media platforms.<sup>17</sup> SAJA lists these “Commitment and Expectations” of scholarship recipients that obligate them above and beyond the eligibility requirements and selection criteria.<sup>18</sup>

## II. Title VI’s Bar on Race-Based Programs

Under Title VI, “[n]o person in the United States shall, on the ground of race . . . be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”<sup>19</sup> South Asian Journalists Association’s scholarship program violates this provision. By virtue of SAJA’s status as a 501(c)(6), nonprofit corporation, it “receiv[es] Federal financial assistance” through its federal tax exemption, which “operates” as “a Government matching grant.”<sup>20</sup> Thus its “program” that “subject[s] to discrimination” “on the ground of race” all non-South Asian students who would otherwise be eligible for the scholarship violates Title VI.<sup>21</sup>

## III. Section 1981’s Prohibition on Race-Based Contracts

Section 1981 of the Civil Rights Act of 1866 guarantees “[a]ll persons . . . the same right . . . to make and enforce contracts . . . as is enjoyed by white citizens.”<sup>22</sup> This provision “prohibits intentional race discrimination in the making and enforcing of public and private contracts”<sup>23</sup> and “protects the equal right of all persons . . . to make and enforce contracts without respect to race.”<sup>24</sup> SAJA is doing what Section 1981

<sup>15</sup> *Id.*

<sup>16</sup> *SAJA 2025 Scholarship Winners*, <https://saja.org/SAJA-2025-Scholarship-Winners> (displaying photos and listing bios for 2025 scholarship recipients: Raginee Sudhir Chaurey, Areeba Fatima, Nazeefa Ahmed, Ananya Chag, Tanka Dhakal, and Neil Lazurus) (last visited May 27, 2026). <sup>17</sup> *Supra* note 6.

<sup>18</sup> *Id.*

<sup>19</sup> 42 U.S.C. § 2000d. <sup>20</sup> *McGlotten*, 338 F. Supp. at 462. <sup>21</sup> 42 U.S.C. § 2000d. <sup>22</sup> 42 U.S.C. § 1981(a).

<sup>23</sup> *Jenkins v. Nell*, 26 F.4th 1243, 1249 (11th Cir. 2022).

<sup>24</sup> *Domino's Pizza*, 546 U.S. at 474.

forbids: expressly conditioning contracts on the race of the person with whom it is contracting.

Each SAJA scholarship recipient, who must be of South Asian descent, must agree to fulfill several future conditions.<sup>25</sup> In other words, those who accept the SAJA scholarship funds are agreeing to perform under a contract for monetary consideration. This contract, like any binding agreement, carries “the obligation of the contract,” and “[w]hatever is expected on one side, and known to be expected on the other, is a part of condition of the contract.”<sup>26</sup>

At the same time, SAJA’s scholarship program relies on “racial discrimination [to] block[] the creation of a contractual relationship”<sup>27</sup> with individuals who are white, black, Hispanic, Native American or indigenous peoples, or Asian if not from certain subgroups.

#### **IV. President Trump’s Executive Order Targeting Race Discrimination by Private Organizations**

Because SAJA’s South-Asians-only scholarships program conflicts with the protections of Title VI, it also implicates President Trump’s January 21, 2025, Executive Order directing federal agencies and the Attorney General to take action “to end illegal discrimination and preferences,” including in the private sector.<sup>28</sup> The Executive Order tasks federal agency heads and the Attorney General with developing strategies to ensure that private organizations “end illegal DEI discrimination and preferences and comply with all Federal civil-rights laws.”<sup>29</sup> It further orders executive branch officials to identify “strategies to encourage the private sector to end illegal DEI discrimination and preferences and comply with all Federal civil-rights laws.”<sup>30</sup> These broad directives fairly encompass racial discrimination relating to higher education and by private entities such as South Asian Journalists Association.

#### **V. The Attorney General’s Memorandum Regarding Unlawful Discrimination**

Following President Trump’s Executive Order on the subject, the Attorney General of the United States issued a memorandum to all federal agencies offering guidance regarding unlawful discrimination by entities receiving federal financial assistance.<sup>31</sup> The memo advised that organizations and institutions—including private ones—“that

receive federal financial assistance or that are otherwise subject to federal antidiscrimination laws . . . should review this guidance carefully to ensure all programs

<sup>25</sup> *Supra* note 6.

<sup>26</sup> *Ogden v. Saunders*, 25 U.S. 213, 234 (1827).

<sup>27</sup> *Domino's Pizza*, 546 U.S. at 475.

<sup>28</sup> *Supra* note 7, at § 4. <sup>29</sup> *Id.*

<sup>30</sup> *Id.* <sup>31</sup> Memorandum from the Attorney General for All Federal Agencies (July 29, 2025), <https://www.justice.gov/ag/media/1409486/dl>.

comply with their legal obligations.”<sup>32</sup> More pointedly, it underscored that racial discrimination is “dangerous, demeaning, and immoral,” and contrary to “[o]ne of our Nation’s bedrock principles . . . that all Americans must be treated equally.”<sup>33</sup>

In the memo, Attorney General Bondi called specific attention to Title VI of the Civil Rights Act of 1964 and its prohibition on race-based discrimination “in any program or activity receiving federal financial assistance.”<sup>34</sup> As noted, federal courts have acknowledged that tax-exempt status of nonprofit corporations can be reasonably viewed as financial assistance from the federal government.<sup>35</sup> Thus South Asian Journalists Association’s scholarship program, which benefits from this form of federal financial assistance, should heed the memo’s guidance, regardless of the program’s “purportedly benign labels, objectives, or intentions.”<sup>36</sup>

## **VI. Conclusion**

No racial discrimination is benign. It necessarily “demeans the dignity and the worth” of every American “to be judged” by race “instead of by his or her own merit and essential qualities.”<sup>37</sup> Numerous sources of federal law reinforce this principle, through guarantees on equal treatment based on race, and prohibitions on acts to the contrary. Because South Asian Journalists Association’s scholarship program vitiates racial equality through blatant race discrimination in favor of South Asians, American Alliance for Equal Rights respectfully requests an investigation into these potential legal violations.

Respectfully submitted,

**Edward J. Blum**

Edward J. Blum

President

American Alliance for Equal Rights

<sup>32</sup> *Id.* at 1.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 3.

<sup>35</sup> *See McGlotten*, 338 F. Supp. at 462.

<sup>36</sup> *Supra* note 30, at 1.

<sup>37</sup> *SFFA*, 600 U.S. at 220 (cleaned up).