

Affirmative action isn't hurting Asian Americans. Here's why that myth survives

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The Supreme Court's ruling on affirmative action, focusing on *whether Harvard's consideration of race in admissions intentionally discriminates* against Asian Americans, is expected this month.¹ A big part of our research has been to identify anti-Asian discrimination, so we understand how charges that Asian Americans are held to a higher standard in college admissions might feel like another instance of anti-Asian bias. But we just don't see an Asian American penalty in college admissions.

Potent myths about admissions circulate *within and outside Asian American communities*: "Asian Americans have to score higher than other students to get in" and "Asian Americans shouldn't check the Asian box on applications."² These myths are often endorsed by college admissions advisors and accepted by parents and students, though not a *single Asian American student* has testified that they faced discrimination in the high profile Harvard case.³

The faulty evidence for these myths rests in large part on the assumption that tests like the SAT are the best and fairest measures of merit.⁴ But the SAT has *never been fair and is rooted in racism, developed by a racist eugenicist*, Carl Brigham.⁵ Standardized test scores are *more highly associ-*

1. See generally Docket for Case No. 20–1199, Students for Fair Admissions v. Harvard Coll., <https://www.supremecourt.gov/docket/docketfiles/html/public/20–1199.html> (last visited Apr. 4, 2024) [<https://perma.cc/K8G8-KTKF>].

2. See Sophia Lam, Opinion, *I'm in High School. I Hope Affirmative Action Is Rejected and Replaced With*

Something Stronger, N.Y. TIMES (June 5, 2023), <https://www.nytimes.com/2023/06/05/opinion/college-affirmative-action-admissions.html> [<https://perma.cc/E57S-26YR>].

3. Associated Press, *Judge Finds No Discrimination Against Asian Americans in Harvard Admissions Process*, L.A. TIMES (Oct. 1, 2019), <https://www.latimes.com/world-nation/story/2019-10-01/harvard-admissions-lawsuit-ruling> [<https://perma.cc/V82X-TRGZ>]; Collin Binkley, *Appeals Court Clears Harvard of Racial Bias in Admissions*, ASSOCIATED PRESS (Nov. 12, 2020), <https://apnews.com/article/appeals-court-clears-harvard-racial-bias-4e3eb42d20ee675887e02bcec57ab412> [<https://perma.cc/DU9T-ANW6>] (“During the trial, no students testified that faced discrimination by Harvard.”).

4. Alvin Chang, *What the SAT Really Measures*, VOX (Jul. 12, 2019), <https://www.vox.com/videos/2019/7/12/20690615/sat-score-measures-video> [<https://perma.cc/LPH3-UWA8>].

5. *Id.*; NICHOLAS LEMANN, THE BIG TEST: THE SECRET HISTORY OF THE AMERICAN MERITOCRACY 29, 111 (2000).

ated with parental education and family income than with *college success* or *completion*.⁶ Asian Americans have the highest education and incomes of any racial group, though there are significant variations in income and parental education among Asian Americans, with poverty rates among Hmong and Burmese Americans at more than 25 percent.⁷

Considering factors beyond test scores does not amount to intentional discrimination targeting Asian Americans, but is an important acknowledgment that standardized tests reflect economic inequalities and are flawed indicators of merit.⁸ In fact, that is why the University of California *no longer considers the SAT in admissions*.⁹

Still, the claim that Asian Americans have to score “140 points” more than white students to get into highly selective colleges has gone viral.¹⁰ Julie J. Park, a scholar of higher education, shows in “*Race on Campus: Debunking Myths with Data*” why this assertion is wrong.¹¹ The SAT score differentials often cited are based on *a study* by Thomas Espenshade and Alexandria Radford that, when viewed without context, is quite misleading.¹² Based on data collected in the 1990s, their research does not provide an actual score

6. Andre Perry, Editorial, *Students Need More Than an SAT Adversity Score, They Need a Boost in Wealth*, BROOKINGS INST. (May 17, 2019), <https://www.brookings.edu/blog/the-avenue/2019/05/17/students-need-more-than-an-sat-adversity-score-they-need-a-boost-in-wealth> [<https://perma.cc/2K58-Q5CJ>]; see also Matthew Scheidt, Ryan Senkpeil, John Chen, Allison Godwin & Edward Berger, *SAT Does Not Spell Success: How Non-Cognitive Factors Can Explain Variance in the GPA of Undergraduate Engineering and Computer Science Students 2* (Mar. 7, 2019) (work-in-progress research paper) (on file with the UCLA Asian Pacific American Law Journal); Elaine M. Allensworth & Kallie Clark, *Are GPAs an Inconsistent Measure of College Readiness across High Schools? Examining Assumptions about Grades versus Standardized Test Scores*, U. CHI. CONSORTIUM SCH. RSCH. 20 (2018).

7. See Ziyao Tian & Neil G. Ruiz, *Key Facts about Asian Americans Living in Poverty*, PEW RSCH. CTR. (Mar. 27, 2024), <https://www.pewresearch.org/short-reads/2024/03/27/key-facts-about-asian-americans-living-in-poverty> [<https://perma.cc/H9P8-LL4D>]; see also Abby Budiman & Neil G. Ruiz, *Key Facts About Asian Origin Groups in the U.S.*, PEW RSCH. CTR. (Apr. 29, 2021), <https://www.pewresearch.org/short-reads/2021/04/29/key-facts-about-asian-origin-groups-in-the-u-s> [<https://perma.cc/NL4R-STR5>].

8. See Chang, *supra* note 4.

9. Teresa Watanabe, *UC Makes Landmark Decision to Drop ACT and SAT Requirement for Admission*, L.A. TIMES (May 21, 2020), <https://www.latimes.com/california/story/2020-05-21/uc-drops-sat-and-act-test-requirement-for-admission> [<https://perma.cc/Z42M-LA5K>].

10. Alia Wong, *Asian Americans and the Future of Affirmative Action*, THE ATLANTIC (Jun. 28, 2016), <https://www.theatlantic.com/education/archive/2016/06/asian-americans-and-the-future-of-affirmative-action/489023> [<https://perma.cc/L83G-CK6G>] (“SFFA also points to a widely cited Princeton study, which in 2005 found that an Asian American applicant must score 140 points more than her white counterpart on the 1600-point SAT.”).

11. See generally JULIE J. PARK, *RACE ON CAMPUS: DEBUNKING THE MYTHS WITH DATA* 76 (2018).

12. See generally Thomas J. Espenshade & Alexandria Walton Radford, *NO LONGER SEPARATE, NOT YET EQUAL: RACE AND CLASS IN ELITE COLLEGE ADMISSION AND CAMPUS LIFE* (2009).

differential between groups.¹³ Why? Because the analysis does not include key elements in admissions files, including letters of recommendation and essays.¹⁴ Espenshade himself has said *that the data do not* establish racial bias.¹⁵

Nevertheless, the *conservative white legal activist Ed Blum* is suing Harvard for allegedly penalizing Asian Americans.¹⁶ The complaint is not only on the SAT front, but also that Asian American applicants were subject to racial bias when it comes to Harvard's "*personal rating*," one of five ratings that go into an admissions score.¹⁷

Here's why we don't buy that.

Blum's suit makes much of the fact that the small numbers of Asian American applications his team reviewed contained comments reinforcing the "model minority" stereotype, portraying Asian Americans as passive nerds lacking leadership with phrases like "very quiet" and "quiet and strong."¹⁸ But "very quiet" and "quiet and strong" *were comments* that appeared in the files of Black, Latino and white applicant files as well.¹⁹ The *2013–14 Harvard Interviewer Handbook* highlights "introspection" and "the reflective introvert" as a "future leader."²⁰ Statistical models show *positive, though not statistically significant, associations* between admissions and Asian American identity for Asian American females and Asian Americans from California.²¹ We would expect to see statistically significant negative associations if intentional discrimination was at work here.

Asian Americans, like all nonwhite students, do face implicit bias.²² Importantly, Asian Americans experience both positive and negative forms of bias in college admissions.²³ The *stereotype* of hard work and smarts can

13. *Id.*; see also Scott Jaschik, *The Power of Race*, INSIDE HIGHER ED (Nov. 2, 2009), <https://www.insidehighered.com/news/2009/11/03/power-race> [<https://perma.cc/KM27-7GY5>].

14. Jaschik, *supra* note 13.

15. *Id.*

16. Anemona Hartocollis, *He Took on the Voting Rights Act and Won. Now He's Taking on Harvard*, N.Y. TIMES (Nov. 19, 2017), <https://www.nytimes.com/2017/11/19/us/affirmative-action-lawsuits.html> [<https://perma.cc/LQ2Q-QGRX>].

17. Anemona Hartocollis, *Harvard Rated Asian-American Applicants Lower on Personality Traits, Suit Says*, N.Y. TIMES (June 15, 2018), <https://www.nytimes.com/2018/06/15/us/harvard-asian-enrollment-applicants.html> [<https://perma.cc/HV2F-N5GU>].

18. *Students for Fair Admissions, Inc. v. President and Fellows of Harvard Coll.*, 397 F.Supp.3d 157, 155 (D. Mass. 2019); see also Hartocollis, *He Took on the Voting Rights Act and Won*, *supra* note 16.

19. 397 F.Supp.3d at 157.

20. HARV. COLL. OFF. OF ADMISSIONS & FIN. AID, 2013–14 HARVARD INTERVIEWER HANDBOOK 3 (2013), <https://www.dropbox.com/s/ye07och6hpq8ucd/DX%20%20%28Interviewer%20Handbook%202013-14%29.pdf?dl=0> [<https://perma.cc/54MV-HB29>].

21. Findings of Fact and Conclusions of Law at n.49, *Students for Fair Admissions, Inc. v. President and Fellows of Harvard Coll.*, 397 F.Supp.3d 157, 155 (D. Mass. 2019) (No. 1:14-cv-14176-ADB).

22. See Viet Thanh Nguyen, *Asian Americans Are Still Caught in the Trap of the 'Model Minority' Stereotype. And It Creates Inequality for All*, TIME (June 26, 2020), <https://time.com/5859206/anti-asian-racism-america> [<https://perma.cc/W8AL-J3ET>].

23. See Ileana Najarro, *Teachers Expect More of Asian American Students. Is Bias*

provide *an advantage in some instances*.²⁴ But *research* shows that those who view Asian Americans through that lens are more likely to view other people of color as lacking a work ethic.²⁵ Indeed, the model minority stereotype has long been used to *undermine demands for equality* for all.²⁶

These troubled dimensions of U.S. race relations are prominently displayed in the Harvard case, in which opportunities are treated as a zero-sum game, divided between a few haves and many have-nots.²⁷ The lawsuit against Harvard exploits this fear and uses Asian Americans as an argument against affirmative action and against Black, Latino and Indigenous students, rather than drawing attention to the systemic problem of a society that allocates more and more resources to the already advantaged.²⁸

Harvard, for example, has an endowment of more than \$50 billion, and more than *half its students come from the top 10 percentile* of American society.²⁹ Of course, the overwhelming majority of students and parents won't be affected by Harvard's admissions policy, though the majority will be affected by college debt and underresourced state universities and community colleges.³⁰ In California, *51% of Asian American college students attend community colleges*.³¹

This is why it's heartening that the *majority of Asian American registered voters* surveyed say *they favor* "affirmative action programs designed to help Black people, women and other minorities get better access to higher education."³² Indeed, some studies have shown that Asian American chances of

the Reason?, EDUC. WEEK (Oct. 18, 2022), <https://www.edweek.org/leadership/teachers-expect-more-of-asian-american-students-is-bias-the-reason/2022/10> [https://perma.cc/9YVS-PN88].

24. See Nguyen, *supra* note 22; Najarro, *supra* note 23.

25. See generally Jerry Z. Park, Brandon C. Martinez, Ryon Cobb, Julie C. Park & Erica Ryu Wong, *Exceptional Outgroup Stereotypes and White Racial Inequality Attitudes toward Asian Americans*, 78 SOC. PSYCH. Q. 399 (2015).

26. See generally ELLEN D. WU, *THE COLOR OF SUCCESS* (2014).

27. See *Students for Fair Admissions, Inc. v. President and Fellows of Harvard Coll.*, 600 U.S. 181 (2023).

28. See *id.*

29. *Economic Diversity and Student Outcomes at Harvard University*, N.Y. TIMES, <https://www.nytimes.com/interactive/projects/college-mobility/harvard-university> [https://perma.cc/DS9Y-324C] (last visited Apr. 6, 2024).

30. SARAH REBER, GABRIELA GOODMAN, & RINA NAGASHIMA, *ADMISSIONS AT MOST COLLEGES WILL BE UNAFFECTED BY SUPREME COURT RULING ON AFFIRMATIVE ACTION* (BROOKINGS 2023), <https://www.brookings.edu/articles/admissions-at-most-colleges-will-be-unaffected-by-supreme-court-ruling-on-affirmative-action> [https://perma.cc/2K58-Q5CJ].

31. Jason Fong, *The Asian American Education Story You Probably Don't Know*, AAPI DATA (Apr. 25, 2017), <https://aapidata.com/blog/education-nonelite> [https://perma.cc/QZ7H-BYK5].

32. Jennifer Lee, Janelle Wong, Karthick Ramakrishnan & Ryan Vinh, *69% of Asian American Registered Voters Support Affirmative Action*, AAPI DATA (Aug. 2, 2022), <http://aapidata.com/blog/affirmative-action-aavs-2022> [https://perma.cc/FAB7-VRKE]; Jennifer Lee, Janelle Wong & Karthick Ramakrishnan, *Asian Americans Support for Affirmative Action Increased Since 2016*, AAPI DATA (Feb. 4, 2021), <https://aapidata.com/blog/>

admission to highly selective colleges *actually increase* when race-conscious policies are in place.³³

In California, the ban on affirmative action at public universities imposed more than 25 years ago had little positive impact for Asian Americans. Asian American and white students may have been marginally more likely to get into their first choice of college versus their second choice after the ban, but *overall access to the top tier of UC campuses was unchanged, as were economic outcomes*.³⁴ The ban, however, had *major negative impacts on Black and Latino students'* enrollment at the most prestigious campuses, drove down their applications to the UC system overall and dramatically decreased earnings over time.³⁵

Reducing college admissions to a simple and highly biased score overlooks the nuances and complexities of how race and inequality intersect. Affirmative action and race-conscious admissions are limited but necessary tools among many needed to address this intersection. They will not solve the problem of race and inequality by themselves, but without them, that problem will be made worse for all of us.

affirmative-action-increase [<https://perma.cc/A2UK-7FM8>].

33. See generally MICHAEL N. BASTEDO, D'WAYNE BELL, JESSICA S. HOWELL, MICHAEL HURWITZ & GREG PERFETTO, INFORMATION DASHBOARDS AND SELECTIVE COLLEGE ADMISSIONS (2017).

34. See ZACHARY BLEEMER, AFFIRMATIVE ACTION, MISMATCH, AND ECONOMIC MOBILITY AFTER CALIFORNIA'S PROPOSITION 209 24–26 (2020).

35. See Teresa Watanabe, *Prop. 209's Affirmative Action Ban Drove Down Black and Latino UC Enrollment and Wages, Study Finds*, L.A. TIMES (Aug. 22, 2020), <https://www.latimes.com/california/story/2020-08-22/prop-209s-affirmative-action-ban-drove-down-black-and-latino-uc-enrollment-and-wages-study-finds> [<https://perma.cc/VB8Z-BPFG>].