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Asian Pacific Islander Americans and Affirmative Negative Action

Kristine A. Din

With a focus on the Asian and Pacific Islander American (APIA) community, I begin by defining affirmative action and tracing its history and metamorphosis over the past 50 years. What once was a policy to support marginalized groups like the APIA community is now evolving into negative action – a tool to prevent mobility and access to higher education. Negative action, which stretches back to the 1980s, is a way for institutions of higher education to prevent the admission of candidates of Asian or Pacific Islander descent because of their rising numbers in enrollment and their accompanying perceived success. This paper spotlights the University of California, Los Angeles and Berkeley campuses, and how the Board of Regents has modified both eligibility and admission policies that may seem to promote equality and equity for all candidates, but actually support the practice of negative action. Grounded in the model minority myth, negative action maintains the status quo of White dominance. This paper will address the existence and consequences of negative action, its connection with the model minority myth, and its potential future impacts.

I have often found myself floating in the middle of spectrums, feeling isolated from conversations, and being excluded from literature that surround the topics of race, ethnicity, equality, and affirmative action. My identity as a Filipina American categorizes me as an Asian Pacific Islander American (APIA) – but what does that even mean? I am considered a person of Color by perception and on paper, yet I feel as though I cannot belong within the People of Color community, nor can I be classified as White. These feelings of ambiguity, exclusion, and oppression must stem from somewhere, but where and how?

In this paper, I will trace the history of affirmative action, its metamorphosis, and

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its impact on fellow APIA students and myself. Over the course of 40 years, the definition of affirmative action and the way it has been implemented has shifted. Many are still naïve as to how the policy emerged and how it continues to change and affect APIA students. I also address the “model minority” myth. The myth, its history, and its implications will be presented and their affect on how APIA students are seen and treated in terms of the educational and political system will be discussed.

Extrapolating from the model minority myth and the policy of affirmative action is negative action. Negative action counteracts affirmative action, and the education system continues to transition from supporting underrepresented groups like APIA to working against them. The perpetuation of the model minority myth must be stopped and negative action must be reversed if the education and political systems are to create the equality that they first set out to attain (Li & Wang, 2008).

Affirmative Action –What *is* It?

To understand what affirmative action is and how it affects society and its citizens, it is first important to know its many definitions. According to Spann (2000), affirmative action (from the racial perspective) is the race-conscious allocation of resources like jobs and educational opportunities with the intent to benefit historically underrepresented racial groups. Psychologist Dr. Beverly D. Tatum (1997) defined affirmative action as the attempt to make progress toward equality of opportunity for groups that are currently underrepresented in significant positions in society by explicitly taking into account different defining characteristics, like race, that have long been the basis of discrimination. In a broader sense, affirmative action is a policy favoring women, People of Color, and/or economically disadvantaged candidates over economically advantaged White men. The purpose is to remedy discrimination, achieve diversity, and ultimately attain equality and social justice (Sterba, 2009).

The History of Affirmative Action

Understanding affirmative action is not simply a matter of learning its definitions and interpretations. Although the ever-changing world has morphed the way affirmative action is understood and implemented, its definitions are rooted in history. Stretching back to the 1800s, the Fourteenth Amendment was ratified on July 9, 1868, and serves as the foundation of affirmative action. The Equal Protection Clause (within the amendment) requires that all citizens born or naturalized in the United States be subject to and not be deprived of jurisdiction and equal protection. Roughly one hundred years after the Fourteenth Amendment was ratified, the Civil Rights Movement emerged. During this time, the case and decision *Brown v. Board of Education* (1954) took place and changed education in

the U.S. (Robles, 2006). The *Brown* decision supported the momentum of the Civil Rights Movement by ending legalized segregation in schools. With the passing of the *Brown* decision, the Court rejected the prior decision in *Plessy v. Ferguson* (1896), which originally endorsed the constitutionality of “separate but equal” facilities (Spann, 2000). Under the equal protection clause of the Fourteenth Amendment, governmental use of racial classifications was declared unconstitutional (Spann, 2000). Regardless of the significance of the decision, its passing was greeted with acceptance and resistance. Racial discrimination still existed rampantly despite desegregation being mandated by law.

The first use of the actual phrase “affirmative action” in the U.S. appeared in Executive Order 10925, issued by President John F. Kennedy on March 6, 1961. The order created the Committee on Equal Employment Opportunity and mandated that projects financed with federal funds have hiring and employment practices free of racial bias (Sterba, 2009). Despite legislative parameters, subsequent conflicts continued to shape affirmative action such as the landmark *Bakke* decision.

Regents of the University of California v. Bakke (1978)

One of the most well-known cases surrounding affirmative action is *Regents of the University of California v. Bakke* (1978). Allan Bakke applied for admission to the University of California at Davis Medical School and was rejected twice. Bakke, a White man, claimed reverse discrimination. At the time of the case, UC Davis’ program set aside sixteen of the one hundred spots in its entering class for under-represented students.

The majority vote in the Supreme Court found that the use of quotas in the affirmative action program of the medical school, coupled with the goal of remedying the effects of discrimination, was unconstitutional. Having reserved seats specifically for students of Color was deemed illegal. The decision held in *Bakke* still allowed for affirmative action, however it became more limited. Having quotas in place was found to be in violation of the Civil Rights Act and the equal protection clause of the Fourteenth Amendment (Sterba, 2009).

The Model Minority Myth and Affirmative Action

The Civil Rights Movement in the 1950s and 1960s and its legislative and social results have been rooted in the belief of remedying past discrimination targeted towards Blacks and African Americans – the most predominant non-White racial group at the time. Moving further into the 21st century, it is essential to move away from a dualistic Black and White model which excludes several racial and ethnic groups also affected by discrimination (Ramirez, 1995). The Black/White paradigm was evident in the 1960s when 96% of People of Color were Black

and only 0.5% were APIA (Kim, 1999). However, the percentages have shifted dramatically, and the increasing presence of APIAs (and other racial and ethnic groups) challenges the Black/White paradigm.

The Asian and Pacific Islander American Scholarship Fund (APIASF) reports that the APIA population increased at a faster rate than any other racial group between 2000 and 2010, and college enrollment is likely to increase by 30% between 2010 and 2019 (Asian Pacific Islander Fund, 2011). APIAs comprise only 5% of the United States population, yet the 48 different subgroups speak volumes about the diversity of their experiences (Chu & Sue, 2011). The differences between the sub-groups remain invisible in many higher education policy discussions (Asian Pacific Islander Fund, 2011). The false and detrimental idea that all APIAs, especially students, have the same experiences of success and esteem is continuously perpetuated by the “Model Minority” Myth.

The term “model minority” was first coined by William Peterson in 1966 when he praised the “self-attained success” of Chinese Americans (Li & Wang, 2008). Though the term can be applied in a variety of ways, I focus here on its application to APIA students and their presumed academic success. The myth generalizes that APIA students are more successful than other underrepresented racial and ethnic groups. They are falsely stereotyped as “whiz kids and overachievers” who can succeed on their own and do not require any or extra assistance (Li & Wang, 2008). Though the label was originally used to describe only Chinese Americans, it soon extended to include other East Asian ethnicities and became an umbrella term to encompass all Asian and Pacific Islander ethnic subgroups.

Most studies have been focused on the unprecedented success of APIA students, disregarding students who struggle. Researchers and/or policymakers rarely notice these students’ stories because they are considered anomalies and do not fit the “model minority” myth. The myth is used to hide the reality of underachieving APIA students and it is a misrepresentation of APIA students and the entire population as a whole. In the 1990s, 54.9% of Hmong, 40.7% Cambodian, and 33.9% Laotian children had not completed the fifth grade (Olsen, 1997). These statistics strongly suggest that the “model minority” myth is a haunting generalization that is destructive to APIA students.

The myth that all APIA students are successful causes policymakers to overlook the different types of issues they face and the services required to address them. Public perceptions and policy decisions often fail to distinguish between APIA subgroups. Discrimination towards “too many Chinese” often translates into a backlash against *all* APIA individuals and into policies that ignore the special needs of APIA ethnic subgroups (Dong, 1995). This trickles down to teachers and educators who further perpetuate the idea that affirmative action, programs,

and services to support APIA students are not necessary because they can “make it on their own.” If APIA students fail, the blame is placed on them because according to the model minority myth, they are supposed to achieve and “be a role model” to all other underrepresented groups. This obscures the accountability of schools, institutions, educators, and policymakers (Li & Wang, 2008). Ultimately, the responsibility falsely lies with the students, the support (or lack thereof) of a family, and cultural values – not the role of institutions or society.

The model minority myth is toxic. APIA students are caught in a strange kind of limbo of wanting to achieve, being afraid to fail, and wanting to be seen and treated as People of Color who struggle with the similar racial barriers. Where do they fit? When included in discussions about educational policy and services, are they considered to be more White than other racial and ethnic groups? Affirmative action has turned to negative action.

The Future of Affirmative Action and Asian Pacific Islander Americans

There is a growing national trend to abolish affirmative action and other race-conscious policies. Several bills have been proposed to Congress to make affirmative action illegal, and California has been a pioneer in implementing anti-affirmative action initiatives (Spann, 2000). In the 1980s, two University of California (UC) campuses, Los Angeles and Berkeley, were discovered to be discriminating against APIA applicants in their admissions processes. Facts from research showed that discreet quotas do exist against APIA applicants and in turn favor White applicants (Robles, 2006). The two UC campuses noted have been practicing “negative action” – the practice of denying admission to APIA applicants who would have been otherwise admitted if they had been White (Kang, 1996).

In the 1990s, the UC Regents passed Standing Policy-1 (SP-1) and Standing Policy-2 (SP-2), which banned the consideration of race in admissions and hiring system-wide. In 1996, voters passed a citizen-initiated referendum – Proposition 209, the California Civil Rights Initiative, which prohibited the statewide consideration of race in public employment, contracting, and education (Robles, 2006). In 2001, the UC Regents rescinded both SP-1 and SP-2, and the UC system has continuously revised its admission policies to increase fairness and inclusivity. Nonetheless, the implementation of Proposition 209 still governs the university. After two years of research, data collection, and analysis, the UC Regents Study Group created and approved a new University eligibility policy that is set to begin in the fall of 2012.

The New UC Eligibility Policy

There are a few major changes in the new UC eligibility policy. First, applicants are no longer required to take SAT subject tests (SAT-S). Scores can still be

submitted but will only be included as additional information for consideration. Second, unlike the former policy, not all Entitled to Review (ETR) students will be guaranteed admission. To be considered an ETR applicant, all students must have maintained a minimum 3.0 GPA, completed all required coursework, and provided scores from the SAT Reasoning Test (SAT-R) or ACT writing test. The applicants who rank in the top 9% of all California high school graduates or are in the top 9% of their graduating class, are placed in the “guaranteed” admission pool. Estimates show that the guaranteed pool will compose 10.1% of the state’s high school graduates. A rough total of 21.7% of California high schools students will be ETR. This means that 11.6% (of the 21.7%) of ETR applicants will have their files reviewed and assessed, but are not guaranteed a spot in the incoming class. From that group, about half (of the 11.6%) will be offered admission, while the other half will be categorized as “non-guaranteed.” Lastly, the actual incoming class will be composed of approximately 80.8% from the “guaranteed” applicant pool and 19.2% from the other pool (Poon, 2009).

Implications

With the University’s new eligibility policy, are racial opportunity and equality at its core? Are White and APIA applicants evaluated equally? Negative action still occurs beneath the language of the new eligibility policy. Removing the SAT-S requirement significantly increases the number of ETR students, which translates to a higher number of APIA applicants. Despite the increase in numbers, it is projected that the new policy will result in a decrease in the APIA proportion of UC eligible applicants. Consequently, there will be a 29% drop of APIA applicants in the “guaranteed” pool. Leaders have also turned their attention to the change in the racial landscape of the eligibility. The proportion of APIA ETR applicants decreases relative to the overall increase of the entire ETR pool of about 76,000 applicants (Poon, 2009). Meanwhile, the proportion of eligible White applicants *increases*.

The University of California is not the only institution that has exhibited and practiced negative action. Admissions policies at other elite institutions such as Brown, Stanford, and Princeton have also been questioned. During the 1980s, Brown proposed to exclude APIA applicants from affirmative action during the admissions process. Administrators at Harvard have discussed only considering APIA applicants who come from a working-class background (Takagi, 1992).

The continuous battle against negative action is a testament to the trend that places APIA students on the periphery of racial politics and affirmative action in higher education (Takagi, 1992). The increase in racial discrimination against APIA students in higher education institutions often creates unsafe and unsupportive environments. APIA students are more likely to be greeted with hostility

because there are already “too many Asians” in institutions of higher education (Dong, 1995). The unprecedented success of certain APIA ethnic subgroups in America has rarely been praised. Rather, the perceived success fuels oppression, the “model minority” myth, and the digressive idea of negative action.

Conclusion

Nearly 50 years after the coining of the model minority myth, it continues to be a destructive force and propels negative action forward. APIA students compose the fastest-growing population in higher education, yet since they are believed to “have made it,” they are not treated as a historically underrepresented group (Asian Pacific Islander Fund, 2011). APIAs are now facing new barriers in accessing higher education in addition to the model minority myth. What impact is this having on APIA students nationwide? Knowing that negative action exists, future research is needed to gain insights into how students are approaching the application process to certain institutions, the struggles they encounter, and what support they need. APIA students will play a significant role in the progress of our nation’s future, so it is vital to attend to their unique needs and the issues they face. In order to attain the equity affirmative action was first created to achieve, negative action must be dismantled.

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