

## Should Affirmative Action exist in America and to what extent does it positively or negatively affect Asian Americans?

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Affirmative action, which describes a series of policies aiming to increase opportunities for underrepresented groups, has been a highly debated topic for as long as it has existed in America. The principle of allowing traits such as race and gender to be considered during college admissions, also known as race-conscious admissions, as well as the effects of these policies make affirmative action a controversial topic. Every year, legal proceedings concerning affirmative action, such as recent lawsuits against Harvard, UNC, and UT Austin, spark new debates concerning race-conscious admissions. Throughout the history of affirmative action, Asian Americans have remained in the spotlight of the debates. The primary argument used by opponents of affirmative action is that it is a form of institutional discrimination, especially against Asian Americans. Specifically, as the acceptance rates for other minority groups increase, Asian American candidates who are more qualified get denied. Many people suggest that race neutral policies should replace affirmative action because they do not allow race to be considered during admissions, and therefore do not give advantages to any particular racial group. Although Asian Americans are not usually included in affirmative action and therefore do not receive any direct benefits, this should not prevent it from being implemented in American institutions. Affirmative action does not have significant detrimental effects on Asian Americans, and it is necessary in order to create a level of diversity in institutions that helps move our society towards racial progress. The extent to which Asian Americans are negatively affected by affirmative action is often overemphasized. This misconception is mostly perpetuated by the model minority myth, which is a form of ideological racism in which Asian Americans are perceived as a universally high-achieving and successful group.

Cory R. Liu, a Harvard Law School graduate and assistant counsel to Texas Governor Greg Abbott, published “Affirmative Action’s Badge of Inferiority on Asian Americans” in 2018. In the article, Liu argues that affirmative action unfairly discriminates against Asian American students by treating them differently from other racial groups and making it more difficult for them to gain admissions based solely on race. He refers to a court case from more than fifty years ago, *Brown v. Board of Education of Topeka*, when the Supreme Court ended racial segregation in public schools because it “stamps people of color with a badge of inferiority.” Liu claims that affirmative action goes against this decision because it has the same effect on Asian Americans today, by minimizing their accomplishments and making them inferior in terms of their status in society. Liu believes that affirmative action is destructive because it continues the classification of race, which should be abolished in order to make cultural and societal advancements.<sup>1</sup> Although affirmative action does continue the classification of race, it does so in order to benefit racial groups that would otherwise be disadvantaged. In other words, affirmative action is a positive force that does not make Asian Americans inferior, but rather it eliminates the “badge of inferiority” that other racial groups already possess due to existing prejudice and

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<sup>1</sup> Cory R. Liu, "Affirmative Action's Badge of Inferiority on Asian Americans," *Texas Review of Law and Politics* 22, no. 3 (2018), EBSCOhost.

discrimination. Affirmative action helps erase affective prejudice, which refers to instinctive negative feelings towards a racial group. For example, an admissions officer may automatically prefer a white student over a black student due to their own affective prejudice without even being aware of it. Affirmative action levels the playing field and gives everybody equal opportunities. Liu's argument is flawed because he is comparing the policies of affirmative action to racial segregation. While they share one similarity in that they allow race to be considered during admissions, they differ in their intentions and effects, and affirmative action actually works to directly counter the damage that was done by racial segregation. Additionally, he may be biased due to his job of working for a politician, and therefore he may be compelled to argue against affirmative action.

Michele S. Moses and Daryl J. Maeda, professors at the University of Colorado, Boulder, along with Christina H. Paguyo, an assistant dean at the University of Colorado, Denver, collaborated on "Racial Politics, Resentment, and Affirmative Action: Asian Americans as 'Model' College Applicants" in 2019. In the article, Moses, Maeda, and Paguyo argue that Asian Americans should support affirmative action, and that affirmative action is misrepresented as the reason for any discriminatory treatment of Asian Americans in admissions. Instead, they offer negative action as an explanation for this, defining it as the "minus factor" for Asian Americans while affirmative action is the "plus factor" for other minority applicants.<sup>2</sup> They also conclude that affirmative action is not the cause for negative action, but rather it is white supremacy. This is because affirmative action in theory should not have a different effect on Asian American students in contrast with White students, as both groups need to sacrifice admission spots in order to open up more for Black, Latinx, and Native American students. Therefore, if negative action against Asian Americans exists in an institution, it is because their goal is to preserve a disproportionate amount of spots for White students over minority students. This claim is further supported by the fact that opponents of affirmative action claim that Asian American students are negatively affected rather than White students, and thus negative action against Whites is not a common occurrence. Moses, Maeda, and Paguyo also note the impact that the model minority myth has, and suggest that it is exploited by opponents of affirmative action in order to carry the burden of the dominant group, White people.<sup>3</sup> That is, Asian Americans are portrayed as having an overwhelming amount of merit when compared to other groups including Whites, in order to justify negative action against them without taking potential spots away from White applicants.

In order to understand the purpose of affirmative action, it is crucial to first consider why its fundamental goal of increasing diversity in education institutions is so important. Diversity not only comes with educational benefits, but it is necessary in order to promote social change and eliminate prejudice. Diversity in classrooms makes students more empathetic, open-minded, and confident, all of which are conducive to learning in general.<sup>4</sup> Additionally, having a diverse atmosphere at schools exposes students to people of different cultures and backgrounds. The equal contact status hypothesis asserts that contact between groups on equal and cooperative grounds, such as in a classroom, tends to result in reduced prejudice. Diversity is therefore

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<sup>2</sup> Michele S. Moses, Daryl J. Maeda, and Christina H. Paguyo, "Racial Politics, Resentment, and Affirmative Action: Asian Americans as 'Model' College Applicants.," *Journal of Higher Education* 90, no. 1 (2019), EBSCOhost.

<sup>3</sup> Moses, Maeda, and Paguyo, "Racial Politics."

<sup>4</sup> "The Importance of Diversity and Cultural Awareness in the Classroom," Drexel University School of Education, <https://drexel.edu/soe/resources/student-teaching/advice/importance-of-cultural-diversity-in-classroom/>.

essential because it is a step towards completely eliminating ideological racism and prejudice. Moreover, data shows that affirmative action has succeeded in its goal of raising diversity levels when it has been implemented. In “Affirmative Action at Harvard,” John B. Williams, the chief official responsible for affirmative action at Harvard from 1985 to 1988, claims that the overall enrollment of minorities at Harvard rose from just 13% in 1980 to 20% in 1990. This increase in diversity would not have been possible without the implementation of federally imposed affirmative action policies at Harvard, in which the school had to routinely prove that they were making “good-faith efforts” to increase minority employment and enrollment.<sup>5</sup> Race-neutral policies, a suggested replacement for affirmative action, would not produce the same level of diversity that affirmative action has been proven to do. In a recent lawsuit filed by an anti-affirmative action group known as Students for Fair Admissions, Harvard was accused of discriminating against Asian Americans during race-conscious admissions. During the litigation, the court considered several race-neutral alternatives to affirmative action, including eliminating early action and preferring economically disadvantaged applicants. However, they found that these options would have “no meaningful impact on racial diversity.” Additionally, any minimal increase in racial diversity brought by these alternatives would be offset by the decline in diversity that would result from eliminating race-conscious admissions. The court ultimately ruled in favor of Harvard, asserting that affirmative action at colleges and universities ensures that they can offer a diverse environment which fosters respect, learning, and understanding.<sup>6</sup>

Contrary to popular belief, affirmative action does not disproportionately hurt Asian Americans’ chances of admissions. There is no evidence that Asian Americans are more likely than other racial groups, including White people, to be denied from elite universities. The higher rates of rejection of Asian Americans from elite colleges can be explained by the fact that they are simply more likely to apply to these schools in the first place. 65% of Asian American students scoring above a 1300 on the SAT applied to one of the most selective colleges, while only 50% of non-Asian American students did so in contrast. In addition, only 5% of non-Asian American students scoring below a 1300 on the SAT applied to these schools, compared to 12% of Asian American students.<sup>7</sup> Regardless of their test scores, more Asian American students are applying to selective colleges, and this directly translates into a higher rate of being denied. As previously mentioned, affirmative action is different from negative action and is not responsible for any bias or discrimination against Asian Americans. In multiple lawsuits where a university was accused of intentionally discriminating against Asian Americans, such as the 2014 case against UNC, the school was able to prove that they only considered race during admissions as a “plus factor” for applicants, rather than a “minus factor.”<sup>8</sup> In other words, applicants were only able to benefit from affirmative action and were not harmed, regardless of their race. In addition, despite being at the forefront of debates and lawsuits on affirmative action, national surveys show that Asian

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<sup>5</sup> John B. Williams, "Affirmative Action at Harvard," *Annals of the American Academy of Political and Social Science* 523 (1992), HeinOnline.

<sup>6</sup> Students for Fair Admissions v. President and Fellows of Harvard College. [https://admissionscase.harvard.edu/files/adm-case/files/2019-10-30\\_dkt\\_672\\_findings\\_of\\_fact\\_and\\_conclusions\\_of\\_law.pdf](https://admissionscase.harvard.edu/files/adm-case/files/2019-10-30_dkt_672_findings_of_fact_and_conclusions_of_law.pdf)

<sup>7</sup> Georgetown University Center on Education and the Workforce and National Center for Education Statistics, "Likelihood of Applying to Highly Selective Colleges," chart, 2018, [https://cew.georgetown.edu/cew-reports/selectivebias/?\\_ga=2.113990343.1797779732.1639113218-576357202.1635482491](https://cew.georgetown.edu/cew-reports/selectivebias/?_ga=2.113990343.1797779732.1639113218-576357202.1635482491).

<sup>8</sup> Students for Fair Admissions v. University of North Carolina.

Americans actually tend to be in support of it. Since 2014, Asian American support for affirmative action has consistently remained high. Over 60% of registered Asian American voters responded that they were in favor of affirmative action every year, with the number even reaching 70% in 2014 and 2020.<sup>9</sup> A high rate of approval from Asian Americans themselves leaves gaps in the argument against race-conscious admissions, as the majority of these arguments are based on the idea that it has a significant negative impact on them. These arguments imply that Asian Americans should oppose affirmative action, which is simply not the case.

In order to disprove the false narrative that affirmative action is significantly detrimental for Asian Americans, the model minority myth needs to be eliminated. The model minority myth paints an unfair and inaccurate picture of affirmative action based on the idea that Asian Americans are the highest-achieving group. Although they have the highest median income of any racial group, they have the largest income gap as well. In 2016, the top 10th percentile of Asian Americans earned 10.7 times as much as the bottom 10th, which was a greater difference than Blacks, Hispanics, and Whites.<sup>10</sup> However, cognitive prejudice and stereotypes lead to the top 10th percentile acting as a representation of Asian Americans as a whole, further perpetuating the model minority myth. Another important detail to note is that the model minority myth ignores the vastly diverse group of people that can be categorized as Asian Americans. Instead they are all clumped together under one subgroup, typically as Chinese Americans, as they are the largest Asian American group. In "Neither Black Nor White: Asian Americans and Affirmative Action," Frank Wu, president of Queens College, considers why the model minority myth is so accepted. Wu suggests that White people are able to assign the label of the "model minority" to Asian Americans because of their relative economic success, but also because White people do not feel threatened by them culturally or politically.<sup>11</sup> Thus, the model minority myth works in favor of White supremacy, as it fights against affirmative action without risking their place as the dominant group. Opponents of race-conscious admissions utilize the model minority myth in order to turn the successes of Asian Americans into an attack on affirmative action and diversity as a whole.

Affirmative action is often seen as a step back from racial progress because it allows for students to be categorized based on their race. However, racial classification is necessary in the admissions system because it is the only way to produce a diverse environment in colleges and universities that is conducive to reducing prejudice. The model minority myth falsely represents the effects of race-conscious admissions by implying that the extra spots awarded to minorities are disproportionately taken away from Asian Americans. In reality, it has only a marginal impact on the admissions rate of Asian Americans. Affirmative action is not a perfect policy, and some racial groups will have to carry a burden. However, we need it in order to compensate for and hopefully eliminate modern institutional racism that disadvantages certain groups. Ultimately, race-conscious admissions are an advancement towards a society in which every

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<sup>9</sup> "Asian American Support for Affirmative Action," chart, AAPI Data, 2021, <http://aapidata.com/blog/affirmative-action-increase/>.

<sup>10</sup> "The Model Minority Myth," *The Practice* 5, no. 1 (November/December 2018), <https://thepractice.law.harvard.edu/article/the-model-minority-myth/>.

<sup>11</sup> Frank H. Wu, "Neither Black Nor White: Asian Americans and Affirmative Action," *Boston College Third World Law Journal*, [https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1845&context=faculty\\_scholarship](https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1845&context=faculty_scholarship).

student has an equal opportunity to achieve their full potential, which would make affirmative action obsolete.

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