



Asian Americans, Native Hawaiians, and Pacific Islanders United in Advancing Equal Educational Opportunity

Later this year, the U.S. Supreme Court will decide the fate of the University of Texas at Austin's undergraduate admissions policy which for a small percentage of applicants considers race among a number of other factors. The case – *Fisher v. University of Texas at Austin* (UT Austin) – is of grave importance to Asian Americans and Native Hawaiians and Pacific Islanders (NHPI) like the undersigned who believe that affirmative action, diversity, and anti-discrimination programs in higher education and other sectors of public life have been crucial to building a more just and equitable society. As we explain, these programs are still needed today.

Asian Americans have a history of supporting affirmative action programs, like the one at UT Austin, as a strategy for equal opportunity. Since the late 1970s, groups and individuals like us have been advocating on behalf of communities who have been systematically denied equal opportunities in education, employment, and public contracting. We have worked to oppose attempts to eliminate affirmative action in California, Washington, Florida, and Michigan. We worked to ensure that Asian Americans and NHPIs were included in public contracting programs and programs to improve diversity in workplaces. We have worked to persuade courts that affirmative action and diversity programs are constitutional. In 2003, over 20 Asian American groups filed an *amicus* brief in the U.S. Supreme Court in *Grutter v. Bollinger* in support of the University of Michigan Law School's affirmative action program. As recent reports confirm, properly conducted surveys show that a majority of Asian Americans oppose eliminating the consideration of race as one factor in admissions policies.

Asian Americans and NHPIs have benefitted immensely alongside other minority groups from affirmative action and diversity programs in education, employment, business, and contracting. The contributions we have made because of these programs have benefitted society as a whole.

Affirmative action, anti-discrimination, and diversity programs like the one at issue in the *Fisher* case are still necessary today because racial discrimination and exclusion persist. Segregation and inequality continue to deprive people of color, including many diverse Asian American and NHPI subgroups, of equal educational opportunities. Admissions policies that consider race, as well as other factors such as residential segregation, are necessary to promote equal access for qualified students to the opportunities afforded by higher education.

Views that affirmative action discriminates against certain racial groups, including Asian Americans, unfairly focus on certain admissions criteria as the sole measures of merit. Traditional measures of merit, such as grades and test scores, often capture racial discrimination. In 1999, civil rights groups on behalf of Filipino, African American, and Hispanic applicants challenged U.C. Berkeley's placement of undue weight on grades and test scores as

discriminatory. Applicants from minority and low-income neighborhoods did not have equal access to AP classes to boost their GPAs and preparation courses to increase their test scores. Far from being race-neutral, overreliance on grades and test scores in admissions exacerbates racial inequalities and results in bias against students of color, including Asian Americans.

Affirmative action is also critical to achieving the campus diversity that enriches all students' educational experiences. Educational diversity promotes cross-racial interaction, cultural understanding, and prepares students to be effective leaders in a multi-cultural society. Given the harmful stereotyping of Asian Americans – as, for example, the “yellow peril,” “model minorities,” or “terrorists” – universities’ ability to consider unique experiences of Asian American applicants to ensure their proper representation on campuses is particularly important.

We support the following *Principles for Continued Commitment to Affirmative Action*:

1. ***Affirmative action and diversity programs have benefited Asian American and NHPIs.*** Many more Asian Americans and NHPIs attend selective colleges, universities, and graduate and professional programs, are in high level government and management positions, and have received government contracts since these programs started.
2. ***Diversity and affirmative action programs provide equal educational access to all Asian American and NHPI students.*** Many of our K-12 schools are more segregated today than they were 40 years ago. Our schools are still unequal in funding, class size, number of AP classes, and teacher turnover and experience. Considering race as one of many factors in a holistic review of applicants helps reduce barriers to higher education faced by qualified students of color, including members of some Asian Americans and NHPI subgroups.
3. ***A truly integrated learning environment enhances students' educational experiences and better prepares them for success in our increasingly diverse and multiracial society.*** Studies show that cross-racial interactions positively affect student learning. Asian Americans and NHPIs receive a better education themselves when they have the opportunity to interact with students of different races and also benefit other students when they are included in a student body. These experiences translate in society to the ability to manage successful businesses, build an effective military, and reduce racial tension.
4. ***A holistic review provides the best indication of merit.*** Considering only grades and test scores devalues important factors such as leadership, community involvement, the ability to overcome adversity, and diverse life experiences. Race is a valid factor to assess individual merit because of the unique experiences that often come with being a person of that race. Looking at a person’s whole experience better identifies the most qualified applicants.
5. ***Students of all races would benefit from an expansion of the public higher education system.*** In an era of budget cuts to higher education, rather than attacking affirmative action programs, those who care about educational opportunity for Asian Americans and NHPIs should focus their energies on increasing resources to build universities, expand admissions, and reduce tuition rates. In California, for example, one public university has been built in the same period that 20 prisons have been erected. We need to work to reverse this trend.
6. ***Quotas and discrimination against Asian Americans and NHPIs are unacceptable.*** Lawful affirmative action programs undertake flexible, individualized review of applicants,

where race is one, but not the determinative, factor. Quotas, which grant or limit available spots to certain racial groups, are harmful because they reinforce racial stereotypes, cause resentment, and are discriminatory. Ending affirmative action is not the answer to quotas or discrimination against Asian Americans. Where it appears that Asian Americans are being held to such unlawful standards, universities should be held to account.

For all of these reasons, we the undersigned support affirmative action and diversity programs like the one in place at UT Austin. We unite in the goal of equal opportunity for all Americans.

List of Signatories

Organizations and groups:

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| <ol style="list-style-type: none"> 1. Asian American Bar Association – Greater Bay Area 2. Asian American Legal Defense and Education Fund (AALDEF) 3. Asian-American Resource Center (San Bernardino) 4. American Citizens for Justice, Inc./Asian American Center for Justice 5. Asian Law Alliance 6. Asian Pacific American Bar Association of Los Angeles (APABA-LA) 7. Asian Pacific American Labor Alliance (APALA) - Los Angeles 8. Asian Pacific Americans for Progress – Los Angeles 9. Asian Pacific Environmental Network 10. Asian Pacific Islander Legal Outreach (APILO) 11. Asian Pacific Policy & Planning Council (A3PCON) 12. Asian Services in Action, Inc. 13. Association of Asian Pacific Community Health Organizations 14. Cambodian Family 15. Chinese for Affirmative Action 16. Empowering Pacific Islander Communities (EPIC) 17. Filipino American Service Group 18. Filipino Bar Association of Northern California (FBANC) 19. Filipino Advocates for Justice #19 20. Kizuna 21. Korean Resource Center 22. Koreatown Youth and Community Center (KYCC) 23. Koreatown Immigrant Workers Alliance (KIWA) 24. K.W. Lee Center for Leadership 25. Leadership Education for Asian Pacifics, Inc. (LEAP) 26. National Council of Asian Pacific Islander Physicians 27. Nikkei for Civil Rights & Redress 28. Orange County Asian & Pacific Islander Community Alliance (OCAPICA) 29. Organization of Chinese Americans (national) 30. Pilipino Workers’ Center 31. San Francisco State University (SFSU), Asian American Studies Department 32. Search to Involve Pilipino Americans (SIPA) | <ol style="list-style-type: none"> 33. Self-Help for the Elderly 34. South Asian Americans Leading Together 35. South Asian Bar of Northern California 36. South Asian Bar Association of Southern California (SABA) 37. South Asian Network 38. Southeast Asian Community Alliance (SEACA) 39. Taiwanese American Citizens League (TACL) 40. Thai Community Development Center 41. To’utupu ‘Oe ‘Out Felenite Association of Sacramento, Inc. 42. UC Berkeley, School of Law (Boalt), Asian American Law Journal 43. UC Berkeley, Asian American Studies program of the Ethnic Studies Department 44. UC Berkeley, School of Law (Boalt), Asian Pacific American Law Student Association (APALSA) 45. UC Berkeley School of Law , Pilipino Association of Law Students (PALS) 46. UC Hastings - APALSA 47. UC Irvine Asian Pacific Student Association (APSA) 48. UCLA Asian American Studies Center 49. UCLA Samahang Pilipino 50. UCLA Vietnamese Student Union (VSU) 51. UCLA School of Law, Asian Pacific Islander Law Student Association (APILSA) 52. UCLA School of Law, South Asian Law Student Association (SALSA) 53. UC San Diego, Kaibigang Pilipino (KP) 54. University of Illinois at Chicago- Asian American Studies Program 55. USC Asian Pacific American Law Student Association 56. USC Asian Pacific American Student Services (APASS) 57. Yale, Asian American Students Alliance (AASA) |
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Individuals:

1. Assemblyman Mike Eng
2. Henry Der
3. Frank H. Wu
4. Rep. Al Green
5. Rep. Bobby Scott
6. Rep. Judy Chu
7. Rep. Mike Honda
8. Rep. Jan Schakowsky