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The Asian American Division over Affirmative Action: Examining the Case of SCA5 and the Rise of Chinese American Conservatism

DISSERTATION

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by

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DEDICATION

To

my parents, Hyesung and Yangheon

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ABSTRACT OF THE DISSERTATION

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Doctor of Philosophy in Political Science

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Professor Claire J. Kim, Chair

According to the 2016 National Asian American Survey, the support for affirmative action has declined dramatically among Chinese Americans while it has remained stable among other Asian Americans. How do we explain the deepening divergence in Asian Americans' support for affirmative action and the growing opposition to such policy among Chinese Americans and recent Chinese immigrants? Why does such sentiment resonate far stronger with the Chinese community in particular? And what are the prospects for Asian American pan-ethnic identity in politics and for Asian American politics more broadly? In this dissertation, I employ qualitative analysis and text analyses to unearth the factors that emerge and take shape as Chinese Americans become racialized and politicized around affirmative action, and how those processes defy conventional thinking about Asian Americans as political actors. I use the case of Senate Constitutional Amendment (SCA5) and affirmative action more generally to demonstrate the fragility of Asian American panethnicity in the face of changes in the dynamics of Asian American immigration. More specifically, I argue that the fourth-wave Chinese immigrants are more dubious of affirmative action policies than are Chinese immigrants who arrived in earlier waves, US-born Chinese Americans who trace their ancestry to earlier migration waves, and other Asian Americans. The more recent

Chinese immigrants are, thus, closer to the modal position of whites than they are to other racial and ethnic minorities. Moreover, broad anti-racist and anti-xenophobic messaging does not work well for this growing population who mostly see themselves located at the periphery of America's racial hierarchy. Instead, the Republican Party's message of hard work, capitalism, and freedom more makes sense to this segment of immigrant population. This has implications for the growing alliance between Asian Americans and the Democrats. I also find, for these Chinese newcomers, the term "Asian Americans," in fact, seems to hold no significant meaning other than a racial classification and political category to advance their interests. In all, this dissertation contributes to providing the fourth-wave Chinese Americans with the space to articulate what race, ethnicity and politics means to them and reflects a critical mix of their racial positioning, adherence to racial, ethnic and "classically American liberalism" political ideologies, internalization of values and norms from place of origin, and their fraught relationship with the model minority myth when it comes to the debate of affirmative action.

Chapter 1. Introduction

Nearly twenty-five years ago, California voters passed Proposition 209, a state constitutional amendment that barred public institutions, such as public universities and state agencies, from considering race, gender, or ethnicity in admissions, hiring, or contracting. In so doing, California became one of nine states in the US to ban the use of race- or gender-conscious affirmative action.

In 2020, a year in which the nation was confronted with racial injustice and a divisive presidential contest inflamed its partisan divide, advocates fighting to reinstate affirmative action[1] programs in the deep-blue state of California saw the November election as their best opportunity in decades. But that hope vanished when the election results showed that voters soundly rejected (56 to 44 percent) Proposition 16, which would have overturned Proposition 209. Supporters of affirmative action underscored its critical role in addressing systematic inequality that continues to place racial minorities and women at a disadvantage in hiring, contracting, and university admissions. Opponents held an entirely different view. Rather than seeing it as a remedy to discrimination, opponents believed that it would cause more discrimination by privileging race, ethnicity, and gender over merit. The opposition to the measure has been led by a familiar constellation of people in the long-running, multi-front push to halt affirmative action programs. And it also included a number of Asian Americans. How many should not be overstated as polls show Asian Americans are still broadly supportive of affirmative action (Public Policy Institute of California and 2020 Asian American Voter Survey). Nonetheless, Asian American politics are becoming more complex, imbricated as they are with matters of class, which is itself bound up in factors like country of origin and generational differences.

The very mobilization effort made by the small group of Asian Americans against overturning Proposition 209 was first visible in 2014. When California lawmakers mounted a

[1] In this work, I use the terms "race-conscious" admissions and "affirmative action" interchangeably.

campaign to repeal the state's ban on affirmative action in college admissions through the California Senate Constitutional Amendment-5 (referred as SCA5 henceforth)[2], the opponents of the proposal, which mainly consisted of Chinese Americans, flooded lawmakers with calls, emails and petitions. Ultimately their campaign proved highly successful and the constitutional amendment died in the Legislature.

Ramakrishnan and Wong (2018), leading political scientists who have been examining public opinion of Asian Americans and on the issue of elite college admissions, have made very clear that we are discussing about a distinct numerical minority of Asian Americans. The question is, why is it that there is this very vocal minority that has been gaining a lot of traction and attention, and has been very effective at mobilizing against race-conscious affirmative action? More specifically, this dissertation raises the following questions: How do we explain the deepening divergence in Asian Americans' support for such policy, as seen in the case of SCA5, and the growing opposition to affirmative action among Chinese Americans and recent Chinese immigrants? Why does such anti-race conscious admissions policy rhetoric resonate far stronger with the Chinese community in particular? And if the current trend continues, and Chinese American being the largest Asian ethnic group in the US (PEW), what are the prospects for Asian American pan-ethnic identity in politics and for Asian American politics more broadly? The primary focus of this dissertation is to unearth the factors that emerge and take shape as Chinese Americans become racialized and politicized around affirmative action, and how those processes defy conventional thinking about Asian Americans as political actors.

By employing qualitative analytical approach, which adds up to roughly fifty hours of individually held semi-structured interviews, this dissertation is the first systematic study to

[2] The introduction of Proposition 16 was not the first attempt made to overturn Proposition 209. In 2011, introduced by state senator Ed Hernandez, SB 185 passed both the state Assembly and the state Senate. However, then California Governor Jerry Brown vetoed SB 185 and stated that the courts should determine the limits of Proposition 209. He further added that the passing of SB 185 would only lead to further confusion and lawsuits. During this period, there has not been a major mobilization effort made by the same group of Asian Americans.

examine the growing influence of the recent Chinese immigrants in the changing contours of Asian American politics that continued to exert significant forces in the latest rejection of Proposition 16. Instead of heavily relying on close-ended survey data, I thereby paint a more accurate picture of rising trajectory of recently immigrated Chinese American activism against affirmative action through the spaces provided for them to comprehensively articulate what race, ethnicity and affirmative action politics means to them.

The answers to the questions raised above are relevant to both the study of Asian American politics as well as American politics and democratic theory, in general. First, political scientists have largely ignored the ethnic diversity among Asians in the US, as well as the ways in which ethnic identity among Asian Americans in the US might influence their political behavior. Consequently, we have a significant void in our knowledge about how the political attitudes and behaviors of Asian Americans in the US differ due to variations in ethnicity and birthplaces. Second, what we understand about racial politics in the US is primarily based on a Black-White dichotomy, but waves of non-white immigration has inspired (or even forced) political scientists to reevaluate and reexamine what we think we know about Americans' political attitudes and behaviors (Valentino and Hutchings 2004, Junn and Masuoka 2008; Lien 2001; Ramakrishnan 2005; Wong et al. 2011).

Structurally speaking, Asian Americans are said to occupy an awkward third space in the binary politics of race in the US (C. Kim 1999; C. Kim and T. Lee 2001). Lumped as a whole, Asian Americans are found to have achieved the highest overall socioeconomic status among communities of color. Yet, with two-thirds of the population being foreign-born and hyper-selected, they are also a community most impacted by international migration in the post-1965 era and are the nation's fastest growing ethno-racial group (Lee and Zhou 2015; See Figure 1.1).

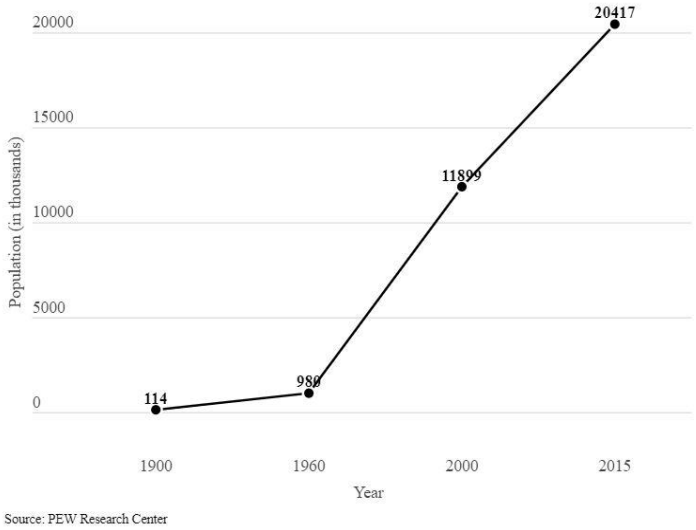

Figure 1.1 Asian Population in the US

Being neither black nor white, Asian Americans have been simultaneously and paradoxically called the "yellow peril," and the "model minority," and the "perpetual foreigner" in American society and politics (C. Kim 1999). Having settled continuously in today's America since before the founding of the nation, Asian Americans' inassimilable alien status in mainstream electoral politics is deeply rooted in our history and institutions.

Despite forces of racialization that helped forge a situational and pan-ethnic identity called "Asian American," Asian Americans are demographically far from a monotonous community that can be characterized by any social marker. They are made up of 24 distinct ethnic subgroups based on national or cultural origins in the 2010 Census. Because these groups vary significantly from each other in terms of immigration history, political ideology, socioeconomic status, homeland economic development, homeland relations with the US, religious beliefs, home language use and English language proficiency, and more, Asian Americans are arguably the most heterogeneous racial community in the US.

In addition to the issue of profound internal diversity across ethnic and other lines, the relationship between Asian Americans and affirmative action is further complicated by the varied

outcomes in education, generation, employment, and business arenas that cast Asian Americans as both beneficiaries and victims of the policy (Ong 2003). Despite the public opinion polls indicating most Asian Americans support affirmative action, research (Inkelas 2003; Ong 2003; Poon and Segoshi 2018) and news reports suggest a more divided Asian American opinion on the matter (Bronner 2012; Hsieh 2014; Kaleem 2017; Shyong 2014; The Economist 2014; Voung 2014). The support for affirmative action among Asian Americans remains split; according to the 2016 National Asian American Survey (NAAS), the support for affirmative action has further declined from 78% to 41% among Chinese Americans over a relatively short period of four years when compared to the results of 2012 NAAS. And due to the recent opinion change among Chinese Americans, roughly one-thirds of Asian Americans no longer support affirmative action (2016 NAAS). And for Asian Americans, the SCA5 case further revealed significant divisions in support for affirmative action, making it clear that the demographic can hardly be treated as a monolith.

1.1 SCA5

There was certainly no mass mobilization of protest within the Chinese and Asian American communities back in 1996, when an examination of comparative public opinion shows a majority of Asians opposing Proposition 209 and at a level higher than that of white Americans' but lower than that of Latinos or black Americans (Cho and Cain 2001; Lien et al. 2004). Evidence from large-scale sample surveys of Asian American support for affirmative action, either as a principle or regarding specific programs to provide educational or employment opportunities for the disadvantaged, has been consistent and even grown stronger in the last fifteen years or so (Lien 2001; Lien et al. 2004; Ramakrishnan and Wong 2018) [3]. The rising numbers seem to correlate with the growing support

[3] For example, 57% of Asians in the 1995 Race Poll and 63% of Asians in the 2000–2001 Pilot National Asian American Political Survey (PNAAPS) thought affirmative action is a good thing, in general. In the PNAAPS, just over half of the respondents favored providing special job training and educational assistance to groups disadvantaged in the past. In the 2012 National Asian American Survey, three in four respondents favored affirmative action programs designed to help blacks, women, and other minorities get better jobs and education.

for the Democratic Party candidates and issue positions in the Asian American community over the same period (Wong et al. 2011). Nonetheless, the Chinese in San Francisco did have a record of opposing restrictive racial quotas involving an elite public high school (Lowell High), and the community was successful in forcing a change in the school's admission policy through a lawsuit in the mid-1990s, hinting a possibility of larger mobilization effort in the future regarding the issue of education (Ong 2003)[4].

In 2014, SCA5 asked voters to consider eliminating portions of a voter-approved ban in 1996[5] so that race can be used in admission decisions made by the University of California and California State University systems. The bill, introduced by CA State Senator Edward Hernandez (D-West Covina) in 2012, passed the state Senate with 69% of support, including from all three Asian and Chinese American Senators,[6] in late January 2014. "No to SCA5, No to Racism," "Stop Race-Based College Admissions," protest slogans such as these mushroomed into rallies, town hall meetings, emails, snail mails, tweets, blogs, and ads in the Chinese (and some in English) language media in and around California between early February and mid-March of 2014. The bill was on its way to the Assembly, the lower chamber, for a vote when voices of opposition erupted mainly in the Chinese community, followed by some ripple effects in the Asian Indian, Korean and the Vietnamese communities. Within six weeks, under mounting pressure from colleagues and constituents mostly of Chinese descent, Assembly Speaker John Pérez referred the measure back to the Senate and announced the creation of a bicameral commission to study the issue of access to public education in the state[7].

[4] Ho v. San Francisco Unified School District (1994). Also see Chapter 3.
[5] California Proposition 209-- the measure prohibits state-funded institutions from exercising affirmative action by considering race, sex, ethnicity, or national origin in public employment, public contracting, and public education passed in 1996.
[6] They were Leeland Yee (D-San Francisco), Ted Lieu (D-Torrance), and Carol Liu (D-La Cañada Flintridge).
[7] However, a week later, the Latino and Black Legislative Caucuses issued a statement on 25 March 2014 vowing their strong determination to help pass SCA-5. They also blamed specifically the 80/20, an Asian American Political Action Committee, for leading the misinformation campaign that sabotaged the bill.

The campaign against SCA5 held by the first-generation Chinese Americans showcases the fast-growing political maturity of the Asian immigrant community in employing various political mobilization tactics. It also demonstrates Chinese immigrants' ability to leverage an internet and technology savvy constituency and homeland-based nationalist sentiment to defend the rights of the Chinese in the American diaspora. This may be quintessential American for an immigrant community to defend its self-interest by organizing protests against the revoking of a policy whose implementation was considered exclusionary to the group. It had effectively grasped the Three-Step-Process of Political Participation—naturalization, registration and turning out—and mastered other forms of political participation, such as directly contacting (via emails, snail mails, and phone calls) the legislators and collecting signatures, which all defied the "puzzle of Asian nonparticipation" (Lien et al. 2004).

At the same time, these vocal and well-resourced Chinese Americans created a public spectacle garnering mainstream media attention and an outsized influence on the public debate over affirmative action which often successfully misled the characterization of the "Asian American position" regarding race-conscious admissions (Moses et al. 2018). Their grand rhetoric and ways of organizing have mostly muted the voices of the majority of Asian Americans who support affirmative action (C. Kim 2018). Furthermore, their direct "Chinese first" approach clearly departs from the minority coalition framework that has defined most liberal Asian American groups and instead overlaps with Trump administration's "America first" framework (C. Kim 2018). Similar rhetoric and framework have been used previously—back in 1996, California governor Pete Wilson, Ward Connerly and a host of other conservatives ran a vicious, race-wedge campaign for Proposition 209, targeting Asian communities with a slew of invidious, "me first" messages designed to appeal to their narrow self-interests. And in the SCA5 debates, Chinese Americans proactively adopted the "Chinese first" narrative and signaled the possible "convergence of this nascent, conservative Chinese immigrant nationalism with an older, conservative white

nationalism" (C. Kim 2018). With the election of Donald Trump in 2016 and the rise of white nationalism in the current period, we have also seen the rise of explicit hate, xenophobia, and ethnic nationalism. "Chinese Tea Party," the new Chinese far-right wing that largely draws from the Chinese immigrant community, has also become more emboldened (Lo and Schweidler). In addition to Chinese Americans for Trump (CAFT), several additional national Chinese right-wing organizations have formed in recent years that are engaging in electoral politics and organizing against on the issues of affirmative action, immigration, and data disaggregation. They are relatively new and are explicitly conservative Chinese American political networks, whose members appear to be mostly first-generation, middle- to upper class Chinese immigrants (Lo and Schweidler)[8].

There has always been a strain of Asian American conservatism. In the SCA5 debate and Harvard lawsuit, we now see Asian American conservatives politically energized and becoming more vocal. After the decline of the movements of the 1960s and 1970s, in the Reagan '80s Asian Americans were seen as the most Republican-friendly immigrant group—more educated and prosperous than other immigrants, often anti-Communist (in the case of the Vietnamese and Taiwanese especially), bearing Confucian or Christian values that aligned with a traditional-values G.O.P. But since then, that support has waned and nearly 2 in 5 registered Asian American voters do not identify as either a Democrat or Republican (2016 Post-Election NAAS). Yet in 2016, slightly more than one-third of all Chinese American voters voted for Trump, which was the largest percentage among all Asian ethnic groups (2016 Post-Election NAAS). And it is important to note that almost half of all Chinese immigrants in the US arrived in 2000 or later (2016 Post-Election NAAS).

[8] However, both CAFT and Chinese American Alliance (CAA) seem to be in hiatus. The last update on CAA's website was in 2018 and CAFT's website seems to be shut down. Although the founder of CAFT was active on Twitter until November 2019, I found it difficult to locate any of the two groups' recent activities. The organizations that I studied in this dissertation share minimal communication with these groups (i.e. CAA being listed as partners in Asian Americans Coalition for Education (AACE)) and they instead heavily invest on the issue of affirmative action rather than the issues of data disaggregation or immigration.

In large part, the uncertainty of Asian American political identity today may be due to increasingly diverse class positions that Asians have come to occupy during the past thirty years (C. Kim 2004). Asian immigration to the US is distinctively bifurcated: many Asian immigrants are poor and unskilled and end up at the margins of the low-wage service economy, but many others are highly educated, skilled, and affluent. With such stark differences in statuses, experiences, and resources, it is not surprising that Asian Americans do not have a unified political voice in the post-civil rights era (C. Kim 2004). Given the ambiguity, this research also aims to examine what the current development in the SCA5/affirmative action debate means for Asian Americans' relations with black/brown people and white conservatives, and the prospects of building multi-racial coalitions in supporting affirmative action, which early generation of Asian Americans previously have benefitted from, or forming a stronger allyship with the conservative white people in objecting the policy.

Until now, there has been no systematic research examining and fully explaining this division within Asian Americans specifically regarding the issue of affirmative action. Hence, the SCA5 case provide an excellent opportunity to fully understand the roles of Asian Americans and their groups (both pro- and anti-race conscious affirmative action) are playing in the current affirmative action debates. Building on the variables used in previous studies—such as personal beliefs of individualism and meritocracy, perceived racial/ethnic/pan-Asian identity, experience of racism and discrimination, generational differences, etc. (Awad et al. 2005; Bell et al. 1997; Corey 2000; Inkelas 2003; Niemann and Maruyama 2005; Oh et al. 2010; Smith 1998)— a more thorough examination of the framing and racialization of the arguments used against the SCA5 and their understandings of complex nature of current racial hierarchy and "sociometry of race that explores Asian Americans' distinctive positionality at the conjuncture of white supremacy and foundational antiblackness" are necessary (C. Kim 2018, p. 21).

In the previous debates, Omi and Takagi (1996) have astutely observed that in the public debate over affirmative action, the position of APAs is much more fluid than that of other racial/ethnic groups, a fluidity that "can be manipulated in particular ways to suit particular positions" (p. 13). Yet, SCA5 is significantly different from previous affirmative action debates revolving around Asian Americans in the ways that how the Chinese Americans proactively participated in asserting themselves into the equation of victimhood, of the policy that is intended to help minorities, by using effective methods of mobilization and successfully defeated the passage of SCA5, and thus makes an attractive case to examine not only the political mobilization itself but also the political dynamics, involving organizations and political elites, around it. It can effectively shed light on how Asian Americans, who stand against race-conscious affirmative action, formulate their arguments and its, both intended and unintended, consequences.

Furthermore, the defeat of SCA5, the recent defeats of I-1000 in Washington (November 2019)[9] and Assembly Constitutional Amendment 5 (referred as ACA5 henceforth)/Proposition 16 in California (November 2020), and the continuation of trial over the use of race in admissions at Harvard University, brought on behalf of Asian-American students, anticipate it will significantly affect affirmative action policies across the country in higher education. They are historically unique as those cases of affirmative action rely on a group of high-achieving Asian Americans, rather than a white plaintiff, arguing that a policy meant to help students of color is burdening not just white people but other racial minorities as well (C. Kim 2018). Unlike earlier plaintiffs, including Fisher, whose GPA and SAT scores were not as strong as her peers, the Asian American plaintiffs in this case have academic records that are much harder to criticize. It is harder to point to Asians as victimizers of black people and Hispanics to justify the unequal treatment. The old

[9] Washington voters have narrowly rejected a ballot measure (I-1000, which was supposed to take effect in July but was put on hold after opponents collected enough signatures to force a referendum, R-88) seeking to reinstate the use of affirmative action in state employment, contracting and admission to public colleges and universities in November 2019. This case will be further analyzed in the upcoming chapters.

argument of compensation-for-past-abuses does not apply to them, only to white people. Continuing a prior line of attack that began in the 1980s, affirmative action opponents are strategically using the argument of discrimination against Asian Americans to condemn the policy, seeking to split inter-minority racial coalitions that support the policy. With legal efforts by Asian (mainly Chinese) American groups against affirmative action policies likely to continue as Asian high schoolers, foreign and domestic, flood the applicant pools, it is reasonable to expect that the current Trump administration investigation will focus on and discuss more about the admission of Asians relative to black/white people and Hispanics than it will about white people relative to Asians, black people, and Hispanics.

Moreover, the case of SCA5 and currently ongoing affirmative action debates should not be just viewed as a crack within pan-Asian identity politics but also through its relations to larger and broader racial relations in the US as such within conflict can further stabilize the current status quo of the US racial hierarchy. It is evident that the framing and the rhetoric of current SCA5 and affirmative action debates reflect Asian Americans' racial triangulation in a contemporary context, on top of the division within Chinese Americans and other Asian American ethnics (C. Kim 1999). Hence, the two intertwined themes of malleability of pan-ethnic identity in Asian American politics, especially regarding the issue of affirmative action, and simultaneously reinforced racial triangulation of Asian Americans in the debate should be examined altogether. Especially when assessing the status of present-day Chinese Americans, we can see a rapidly expanding community through international migration that is socioeconomically white, but foreign, ethnically associated with a non-white race, and geopolitically with a Communist nation and a rising world power that has been more an adversary than an ally in the history of international relations, providing an additional layer to the current racial hierarchy. The combination of these factors suggests a fragile and questionable position in a political system that has a history of Chinese/Asian exclusion and

ignores various forms of anti-blackness and racism to sustain white supremacy (Bobo 2001; C. Kim 1999).

Because of the impossibility of "collapsing outcomes into a single, consistent measure of racial inequality," Ong (2003) recommends treating "race relations as a multigroup and multidimensional hierarchy" (p. 389). And in this research, the affirmative action inquiries are not the ends, but the means of analyzing the ultimate question of newly emerging Chinese ethnic identity, mainly held by the newcomers from China, and political engagement within the racial order and its implications on Asian American politics. What we can see is a parallel historical trajectories of old and newcomers of Asian immigrants being converged in the debates of affirmative action, as an interest issue, resulting in a divergence of the perspectives in favor of or opposition to race-conscious affirmative action. Significantly differing pathways of immigration, previous experiences of political participation and experiences, generational differences, processes of racialization and different emphasis on the democratic values result in these two divergent perspectives of viewing the affirmative action and thus, is an extremely difficult task to form a consensus. This study aims to bridge the gap between the two more closely by examining and explaining the differences with the focus put on the newer immigrants.

1.2 The New (Fourth) Wave of Immigration from China

The population of Chinese immigrants in the US has grown nearly seven-fold since 1980, reaching almost 2.5 million in 2018, or 5.5 percent of the overall foreign-born population (US Census 2010). Whereas in 1980 Chinese immigrants did not appear among the ten largest foreign-born groups in the US, China in 2018 replaced Mexico as the top sending country. After immigrants from Mexico and India, the Chinese represented the third largest group in the US foreign-born population of nearly 45 million in 2018. Compared to the overall foreign- and native-born populations in the US, Chinese immigrants are significantly better educated and more likely to be

employed in management positions. China is the main source of international students enrolled in US higher education, and its nationals received the second-largest number of employer-sponsored H-1B temporary visas in fiscal year 2018, after Asian Indians[10]. Moreover, Chinese nationals received nearly half of EB-5 investor green cards in 2018[11]. Almost 40 percent of Chinese who obtain lawful permanent residence in the US did so through employment-based routes; the remainder qualified through family ties or as asylees (2016 American Community Survey). Moreover, there is a steady growth in numbers of immigration to naturalization from mainland China since the early 2000s (See Figure 1.2).

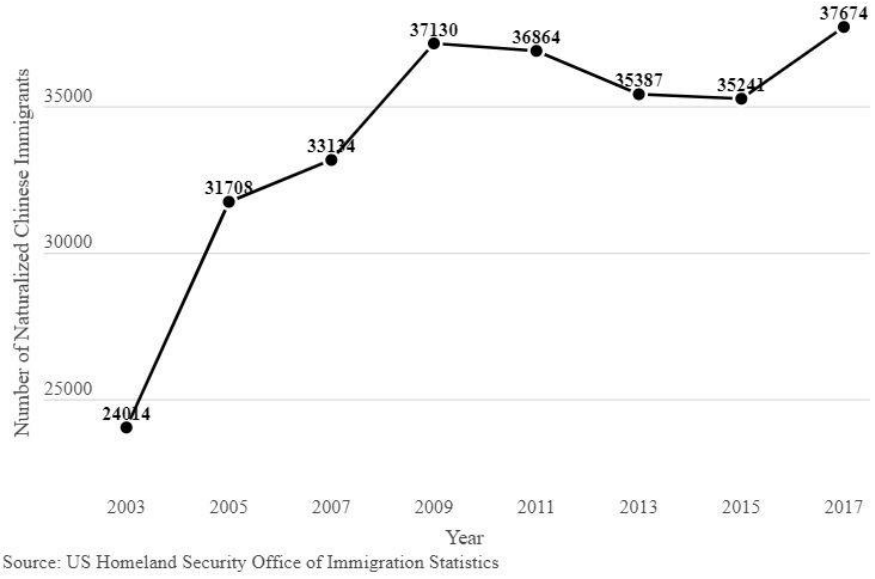

Figure 1.2 Naturalized Chinese Immigrant Population in the US, 2003-2017

[10] According to the US Department of Labor, the H-1B program applies to "employers seeking to hire nonimmigrant aliens as workers in specialty occupations of distinguished merit and ability. A specialty occupation is one that requires the application of a body of highly specialized knowledge and the attainment of at least a bachelor's degree or its equivalent. The intent of the H-1B provisions is to help employers who cannot otherwise obtain needed business skills and abilities from the US workforce by authorizing the temporary employment of qualified individuals who are not otherwise authorized to work in the United States" (US Department of Labor).

[11] The EB-5 Immigrant Investor Program was created by US Congress in 1990 to stimulate the US economy through job creation (as a commercial enterprise that can create a minimum of 10 full-time employees) and capital investments (ranging from $900,000 to $1,800,000) by foreign investors (US Citizenship and Immigration Services).

Roughly half of Chinese immigrants reside in just two states: California (32 percent) and New York (19 percent). The top four counties by concentration in the 2014-18 period were Los Angeles County, CA; Queens County, NY; Kings County, NY; and San Francisco County, CA. Together, these four counties accounted for one-quarter of the overall Chinese-born population in the US (See Figure 1.3 and Table 1.1).

Figure 1.3 Top Destination States for Chinese Immigrants in the US, 2014-18

As of 2014-18, the greater New York City, San Francisco, and Los Angeles metropolitan areas had the largest number of Chinese immigrants. These three metro areas accounted for about 43 percent of Chinese immigrants (See Table 1.1). These brief geographical descriptions offers a snapshot of general demographics of the groups and its members who actively engaged in anti-SCA5 and anti-I-1000 movements and as plaintiffs (or supporters of Students for Fair Admissions (SFFA)) of *SFFA v. Harvard* lawsuit. Its sheer size makes it impossible to sweep it under the rug and have them relegated to little more than a footnote in the studies of Asian American politics.

Table 1.1 Top Concentrations by Metropolitan Areas for Chinese Immigrants, 2014-18

Metropolitan Area	Immigrant Population from China	% of Metro Area Population
New York-Newark-Jersey City, NY-NJ-PA	478,000	2.4
San Francisco-Oakland-Hayward, CA	264,000	5.6
Los Angeles-Long Beach-Anaheim, CA	262,000	2
San Jose-Sunnyvale-Santa Clara, CA	92,000	4.6
Boston-Cambridge-Newton, MA-NH	90,000	1.9
Chicago-Naperville-Elgin, IL-IN-WI	72,000	0.8
Seattle-Tacoma-Bellevue, WA	65,000	1.7
Washington-Arlington-Alexandria, DC-VA-MD-WV	59,000	1
Houston-The Woodlands-Sugar Land, TX	52,000	0.8
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	49,000	0.8

Source: MPI tabulation of data from the US Census Bureau pooled 2014-18 ACS

Newcomers to the US are in a way a miner's canary. Asian immigrants tend to believe that America is the land of opportunity, and that in contemporary America hard work and perseverance will help them overcome any boundary or constraint they may face (Zhou 2009; Waters 1999). If we see that immigrants can quickly recognize how on-going racism and discrimination influences their life chances and opportunity structure, then in some way, we have an additional marker of racial progress or the lack thereof. For racial immigrants, choosing a racial label is complex, is situational, and in some ways, is political. Immigrants of Asian descent from East Asian countries, Southeast Asia, India, may have had similar historical experiences (i.e. colonialism, US military invasion, "racial democracy") as US born Asian Americans, but it is unknown whether these similar experiences lead them to experience and relate to political and social life in a similar way. How much they identify with and feel connected to the US' racial history and its institutions may have a major effect on the way their racial identity will be linked to politics in the US. Based on extant research, it is unclear whether their racial identity can be politically mobilized in the same way that African Americans' racial identity has been mobilized (Junn 2006; Rogers 2004, 2006). The

relationship and link between racial identity and politics needs to be carefully examined when considering Asian people from various ethnic origins and backgrounds. By not taking careful account of the diversity of the newly joined Asian immigrants (Chinese in this case), we risk implying that the identities, experiences, and attitudes of these Asian immigrants are not any different than longer established Asian Americans. Scholars of Asian and Latino politics have provided examples of how differentiations due to ethnicity, country of origin, generational status, levels of acculturation—just to name a few factors—complicate what we "know" about Latinos and Asians in the US (see Haynie and Junn 2008). This study will show that Asian is not only an imposed racial category, but it is also a pan-ethnic identity (though weak in terms of level of group consciousness); as such, a more nuanced analysis of the group's members is required.

1.3 Methodology and Chapter Outline

To address my research questions, I heavily rely on the historical analysis, content analyses of reddit posts[12] and mission statements of the organizations that are both pro- and anti-SCA5/affirmative action, and semi-structured interviews. In contrast to close-ended survey data, semi-structured interviews especially are helpful as it is an excellent way to understand and elaborate further on how people make meaning around affirmative action that affect them. Once I narrowed down the list of organizations that were key organizations[13] in anti-SCA5/I-1000 movement and affirmative action debates, I have gathered their contact information and started by reaching out via email on early 2019[14], and fortunately I received responses rather promptly. I

[12] I specifically chose Reddit instead of WeChat as the unit of analysis mainly due to the language barrier and lack of access to the channels. On the other hand, Reddit posts are more readily and publicly accessible (without having to be admitted into the channel by the admin) and is comprised of both first generation and second generation of Chinese/Asian Americans which allows a direct comparison.
[13] I excluded small-sized organizations that have partaken in anti-SCA5 movement but are not fully registered as 501c and are short-lived (usually operated on Facebook).
[14] Before each interviews, I tried to be as transparent as possible and provided respondents with the following information: who I am, where I am working, what the nature of my research is (in non-academic jargon), who is sponsoring me, how long the interview will take, how the data will be used, where the results will be disseminated and how the information will be attributed.

applied snowball sampling; I used my personal network to locate seed activists and asked them to recommend potential interviewees for me. Moreover, one of the interviewees was generous enough to invite me to the organizations' bi-annual conference[15] as an observer and I naturally got introduced to other key activists. I interviewed a total of 20 Chinese American organizational founders and key activists (See Appendix I and II). The organizations that are affiliated with the interviewees are: Silicon Valley Chinese Association (SVCA), The Orange Club (TOC), San Diego Asian Americans for Equality (SDAAFE), Asian American Coalition for Education (AACE), Asian American Legal Foundation (AALF), 80-20 Asian American Empowerment Political Action Committee (80-20 PAC), Asian Pacific Islander American Public Affairs Association (APAPA), and Grassroots Against I-1000 (GAI). Majority of the organizations are in California and Florida[16]. Interviews were recorded on-site during data collection. Audio files were then transcribed verbatim to create interview transcripts, which were systematically coded to manage and analyze the interviews. The first set of codes explored themes that were classified into broad descriptive categories (Strauss and Corbin 1998). I collapsed and saturated categories until the themes within different categories fit together coherently. Data interpretation was performed through the summarization of themes that emerged from the data by using NVivo. These interpretations were then recorded through analytic memos (Creswell 2007). All analytic memos were reviewed, compared, and analyzed to serve as the basis for the data interpretation.

In Chapter 2, I more thoroughly examine the racial triangulation of Asian Americans, which is the central theoretical framework I use throughout this dissertation. The results of this study showed that the interviewees prove clear that they see themselves racially triangulated between white and black/brown people and political agendas. Because the newly migrated Chinese immigrants do not share the same trajectories of immigration, processes of racialization (which

[15] The meeting was co-organized by SVCA, TOC, and SDAAFE in San Diego.
[16] I conducted majority of the interviews face-to-face (California and Florida); and 8 of them were held via Zoom (mainly the interviewees residing in Washington and Florida).

have already built and formed prior to moving and continued to evolve during their stay in US), and political/social experiences and historical understanding as with the previous immigrant generations of Asian Americans, the context of the contemporary US racial hierarchy does not yet effectively serve to shape their identities and political attitudes, and to inspire the group with similar ideas and feelings among Asian Americans and other racial minority groups about what needs to be done to ameliorate racial disparities when it comes to affirmative action.

In Chapter 3, the focus is laid on answering the following question: How have Asian Americans been situated and evolved in the political and legal, politics of affirmative action? To examine what came before SCA5, I provide a divergent trajectory of immigration, processes of racialization, and political experiences of the newly migrated Chinese Americans and of those who has been part of the US Asian American fabric for a much longer period, and throughout multiple generations. I start by examining the two key framings, "oppressed minority" and "model minority," which are closely weaved into the context of affirmative action, to illustrate the inequities that occur in policy and research when the analyses of Asian American communities are not nuanced and are based on a singular frame or a forced binary concept. I then provide an overview of the evolution of the policy from historical and legal perspectives, and in between, I emphasize the two cases, *Ho v. SFUSD* and the passage of Proposition 209 which are essential in laying the grounds for the 2014 SCA5 in California. The *Ho* case is important as it signals the latent forces and potentials of concerned Chinese American parents and their effective mobilization efforts, which is often triggered on the issue of education. Proposition 209 is also significant as a benchmark that demarcates the different points of argument formation for those who are pro-SCA5 and anti-SCA5— the fourth wave Chinese newcomers have not experienced pre-Proposition 209 period, hence making Proposition 209 as their status quo, and view SCA5 and other race-based affirmative action policies as invasion of their constitutional rights rather than as an urgent call for a remedy to the long history of systematic racism.

Next in chapter 4, I discuss SCA5 much more in-depth, from the inception of the movements to the successful outcome. It will also further investigate the new wave of Chinese diaspora that is sharply distinct from the Chinese American community that preceded it. The chapter will heavily rely on in-depth semi-structured interviews of Chinese American based anti-SCA5 organizational founders and key activists to study their movement at the organizational level. These series of interviews would allow to gain deeper knowledge about the movement and the rise of conservative Chinese American activism, their logic and framing of the key arguments, methods and strategies used for mobilization, outcome of the movement, and their future directions of the organizations. I find that as organizations, they have swiftly reached a level of political maturity and established a strong civic and political presence and weight in their communities where they can marshal forces statewide quickly and effectively, and deftly apply political pressure tactics as organizations, which was again evident in the recent defeat of Proposition 16.

In chapter 5, I once again rely on semi-structured interviews to examine social and cultural drivers, values, and racial ideologies that may shape and further inspire fourth-wave Chinese immigrants to oppose SCA5/race-based affirmative action at the individual level. I also examine their racial ideologies and perceptions on discrimination, and how it further affects their views against race-based affirmative action. In the latter half of the chapter, to grasp a better view on formation of opinions and drivers that shape his/her arguments against affirmative action, I analyze emergent narratives on affirmative action amongst Asian Americans on the social networking site, Reddit—one of the largest and most frequented online community platforms[17]. Reddit makes an interesting testing ground as the platform is used predominantly by younger online audiences who are most likely to be 1.5 or 2nd generation Asian Americans that has either gone through or about to apply to universities or colleges. And thus, the content analysis of Reddit

[17] In the 2019 PEW survey, it was found that 22 percent of internet users aged 18 to 29 years, 14 percent of users aged 30 to 49 years used Reddit, and the reach of the social platform strongly declines with age. Also, whilst around a 15 percent of male adults in the US access Reddit, only 8 percent of women do the same (PEW).

comments can offer a different yet interesting vantage point that can be compared to those of fourth-wave Chinese immigrants, who are in different age groups and have never participated in college admission process as a US citizen.

In chapter 6, I discuss two more cases— I-1000 in Washington state and ACA5/Proposition 16 in California—that closely resembles SCA5 and reflects more recent developments of the fourth-wave Chinese immigrants' movements against affirmative action. And lastly, the concluding chapter will highlight key findings of this research along with its contribution and limitations.

This research is extremely timely given the current volatile political climate and racial relations in the US. As mentioned in the beginning, the SCA5, and ACA5, debate has brought out pre-existing ideological cleavages within the larger, and more diverse than ever, Asian American community despite public opinion polls showing a majority of Asian Americans support affirmative action. This work can contribute to highlighting and raising the issue of pan-ethnic solidarity around affirmative action, complex aspects of racial triangulation of Asian Americans, and the emergence of a conservative identity among Chinese Americans, which we should not ignore regardless of how minor it may seem, and what it means for Asian American politics.

I use SCA5 and affirmative action more generally to demonstrate the fragility of Asian American panethnicity in the face of changes in the dynamics of Asian American immigration. More specifically, I argue that the fourth-wave Chinese immigrants are more dubious of affirmative action policies than are Chinese immigrants who arrived in earlier waves, US-born Chinese Americans who trace their ancestry to earlier migration waves, and other Asian Americans. For these Chinese newcomers, the term "Asian Americans," in fact, seems to hold no significant meaning other than a racial classification and political terminology to advance their interests. The more recent Chinese immigrants are, thus, closer to the modal position of whites than they are to other racial and ethnic minorities. Broad antiracist and antixenophobic messaging does not work well for this growing population who mostly see themselves located at the periphery of America's racial hierarchy or, in

many cases, believe their interests align better with the Republican Party's message of hard work, capitalism, and freedom. This has implications for the growing alliance between Asian Americans and the Democrats.

Chapter 2. Racial Intermediacy, Identity Formation and Political Participation: A Theoretical Perspective

2.1 Introduction

Since the mid-20th century, the massive influx of immigrants from non-European and non-African regions, mainly from Asia and Latin America, has raised an old but renewed question of immigrant incorporation (Alba and Nee 2003). Compared to the early immigrants, mostly from European countries, who were somewhat seamlessly integrated into the American society, post-1965 immigrants and later generations face different challenges in their path to incorporation, for instance, in terms of economic situations, immigration policies, and social acceptance (Portes and Rumbaut 2001). Understanding the social and political experiences of recent immigrants include identifying not only a social process by which they are incorporated into the society's economy and culture, but also how they are integrated as people of color into the racial hierarchy. In this chapter, I seek to rearticulate the existing theoretical frameworks of immigrant incorporation by locating the racialization process as its core variable. This chapter pays an extra attention to a distinctive racialization process of Asian Americans in general, and of those newly migrated, when compared to other ethnoracial groups (Bonilla-Silva 2002; C. Kim 1999). Prior literature has often relied on the traditional framework of racial stratification based on a white-black dichotomy, failing to elaborate distinctive characteristics of Asian Americans (Matsuda 1996; Okihiro 1994). Focusing on the unique location of Asian Americans in the American racial hierarchy helps understand how the group is included and excluded in society differently from other ethnoracial groups, as well as the early European immigrants. I then emphasize how the racialization process can complicate their identify formation process and influence political participation and incorporation for the newly migrated Asian immigrants.

Throughout the chapter, I first look at the transformation of the American stratification system and its implications for the racialization of Asian Americans. A review of prior literature

reveals limitations of the binary perspective of racial stratification and highlights Asian Americans as an intermediate race. The triangulated racialization of Asian Americans provides a better understanding of the adaptation experiences of the newly migrated Asian immigrants. Where do these recently migrated Chinese Americans perceive the ranking of the current US racial hierarchy and locate themselves on it? Answers to these questions can offer us a deeper insight in explaining the divergence in affirmative action debates within Asian Americans.

Next, by reviewing prior literature on racial and ethnic identities, I highlight the multidimensional characteristics of racial and ethnic identities of Asian Americans that can be reflected in the group's position, rather than being one-dimensional, as they further can be shaped by interactions of class, region, one's perceived level of pan-ethnic identity and group consciousness, to list a few. Lastly, I conclude this chapter by providing a literature review on political incorporation and participation of Asian Americans, where the case of the recently migrated Chinese Americans' ethnic-centered political engagement, especially against SCA5, challenges the established patterns in previous studies.

2.2 Asian Americans and the American Racial Stratification System

In this section, I examine the immigration and race literature, with a focus on the structural position of Asian Americans in the American stratification system. I compare the studies based on a binary perspective of race relations with those in a multi-layered perspective. I focus the review on where Asian Americans belong in the American racial hierarchy and which perspective is better suited to investigate the lived experiences of Asian Americans, including of those who are newly migrated.

Recent scholarship has developed new perspectives of racial stratification beyond the dichotomous white and black divide to locate Asian Americans. One line of research maintains the binary divide by extending the boundaries of the mainstream and/or the minority (Hollinger 2005;

Lee and Bean 2004; Skrentny 2001; Yancey 2003). According to this perspective, Asian Americans are categorized by their relative proximity to white people or black people. However, there is no scholarly consensus on the racial position of Asian Americans—some scholars find this group similar to white people with regard to socioeconomic status and a high rate of interracial marriages (Yancey 2003; Lee and Bean 2004), while others find that Asian Americans' experience of racism is much closer to black people than white people (Hollinger 2005; Skrentny 2001).

One branch of research on "whitening" of Asian Americans stresses the role of class mobility in immigrant incorporation. Following the assimilation perspective, socioeconomic attainment including education, occupation, and income, is a determinative factor for assimilation of the post-1965 immigrant groups (Alba and Nee 2003; Portes and Rumbaut 2001). Not only do socioeconomic attainments correspond with economic advancement of immigrant groups, but they are closely related to assimilation mediated by increased participation in mainstream institutions and acculturation into the society's culture and norms (Alba and Nee 2003). By individually endeavoring to succeed in their new home, immigrants and their children intentionally or unintentionally increase their interactions with schools, the labor market, and mainstream individuals and adjust to the norms and values of the mainstream. The Civil Rights Movement and an ensuing series of policy reforms, including affirmative action policies, have also facilitated the post-1965 newly immigrant groups' social mobility and assimilation into the white majority (Sakamoto et al. 2000; Wilson 1978). For this whitening literature, race is no longer a determining variable shaping the economic and social incorporation of non-white post 1965 immigrants, while it still affects many other aspects of their lives (Portes and Rumbaut 2001). Racial distinctions have been losing their significance in major social institutions and are reducible to cultural and ethnic differences, and Asian Americans are not an exception in this regard (Alba and Nee 2003). This line of literature often emphasizes the group's socioeconomic advancement with respect to income and education level and concludes that racial inequality does not matter significantly for the group's

incorporation (Portes and Zhou 1993; Sakamoto et al. 2009). The group's ethnic traits contribute to, rather than restrict, assimilation by providing a strong work ethic and group solidarity (Portes and Zhou 1993). However, the whitening framework does not aptly apply to the fourth wave Chinese Americans, who came to the US with ample resources compared to the previous generations of Chinese immigrants and are already socioeconomically advanced, as they share a clear sense of racial distinctions and hold, although limited, understanding the role of race in a system that upholds white supremacy.

By contrast, another line of literature, which holds the "collective minority" perspective, highlights the ongoing effect of race on the incorporation process of Asian Americans into the US society. In the US, race is embedded in the social system where the privileged race benefits (Bonilla-Silva 1997; Omi and Winant 1994). Since the 19th century, like other racial communities, Asian Americans have historically been subordinated to white people as an inferior (or foreign) race, and recent Asian immigrants are no exception (Espiritu 2008; Hing 1993). This literature focuses on the similarity of the group (and their experiences) to other racial minorities—Asian Americans also have become a target of racism and discrimination in various social institutions and individual interactions (Alvarez et al. 2006; Chou and Feagin 2008; Woo 2000). The incorporation process of Asian Americans is shaped by the inextricable interaction of race with other factors. Class mobility is one of the many measures of a group's level of assimilation (Zhou and Lee 2007). The rapid socioeconomic advancement of the recent Asian immigrant group is not just facilitated by the decreasing impact of the racial distinction in the mainstream, but by the growing demand for technical and service workforces in the domestic labor market and the ensuing hyper-selective migration for skilled, educated population from Asian countries (Junn 2007; Ong et al. 1994; Zhou and Lee 2017). Despite their high education level, the group is still underrepresented in managerial positions and suffers from a lack of occupational diversity, which results from the continuous racial effect on the group mobility (N. Kim 2008). The group's socioeconomic achievements, moreover, do

not guarantee a full membership in the white mainstream with respect to "social citizenship" (Jung 2009); they are not able to identify themselves as "Americans" but described as "Asians" who have distinctive "culture" and are "unassimilable" to the US society (Kibria 2002; Tuan 1998). The "collective minority" perspective contributes to a better understanding of how Asian Americans are integrated in society by considering the interaction of race with other socioeconomic variables and the multidimensional aspects of immigrant incorporation. These studies, however, pay more attention to the commonalities shared by different ethnic groups and fail to highlight significant variation in racialization among them and creates a possibility of erasure of black experiences (C. Kim 1999; C. Kim 2018).

The post-1965 Asian immigrant groups differ in their incorporation experiences from the early Asian immigrants, as well as from other contemporary ethnoracial groups. The US immigration policy reform of 1965 facilitated a hyper-selective immigration of Asians who are highly educated and skilled, which dramatically changed popular perception of Asian Americans from an inferior race to a 'model minority' (Hing 1993; Junn 2007; Lee and Zhou 2015). Since the New York Times published William Peterson's "Success Story, Japanese-American Style," in 1966, public media and politicians have lauded Asian Americans for their socially favorable cultural values (C. Kim 1999). Studies suggest that white people have more favorable attitudes toward Asian Americans than toward Latinos or African Americans (Bobo and Johnson 2000; Xu and Lee 2013).

The multi-layered stratification perspective improves the biracial perspective by stressing variation among racial groups (C. Kim 1999; Bonilla-Silva 2002). Certain racial groups receive relatively equal treatments from the majority race, being allowed to occupy enhanced socioeconomic status in the racial hierarchy, while remaining a subordinate minority. C. Kim (1999) argues that certain racial groups, specifically Asian Americans, are triangulated in the middle in the racial stratification system not only by the process of "racial valorization," but also by the process of "civic ostracism," which outcasts them as the "perpetual foreigners." Asian Americans are relatively

valorized over other communities of color as 'model minorities' who socioeconomically succeed due to 'cultural values' of education and diligent work ethics. Relative valorization pits Asian Americans as disciplining figures against Black political activism, encouraging communities of color to eschew politics and focus on individual socioeconomic mobility. Asian Americans are simultaneously racialized as "perpetual foreigners" who can never be truly 'American,' further contributing to their alienation from civic participation (C. Kim 1999; Lien 2001; Mollenkopf et al. 2006). Asian Americans are considered superior to African Americans by the majority of white people (Xu and Lee 2013); but the group is regarded inassimilable, as "perpetual foreigners" compared to white/black people (C. Kim 1999; Tuan 1998). This framework is essential in this dissertation to understand the newcomers' interracial positionality as the results clearly show the recently immigrated Chinese Americans view themselves triangulated between white and black/brown people and political agendas.

By building upon C. Kim's (1999) seminal racial triangulation theory, Bonilla-Silva (2002) effectively captures the influences of new racism on the racial stratification system— the "new white supremacy" replacing the previous Jim Crow racism with some degrees of relaxation on racial oppression and categorization based on anti-blackness and colorblindness. Colorblind ideologies may further deter Asian Americans' politicized interpretations and actions around racism. Colorblindness denies the significance of race and racism and emphasizes individualist, meritocratic ideas that individual hard work and talent pave the way to success (Bonilla-Silva 2002; O'Brien 2008; Pyke and Dang 2003). For example, O'Brien (2008) finds that Asian Americans dismiss experiences of racism as a 'prudent choice to attest to the validity of the American dream' to avoid accusations of being 'un-American' (126). This new racism allows limited but significant intervention of multiple factors on racial classification, such as class, phenotype, culture, and education. Bonilla-Silva's (2002) tri-racial stratification perspective predicts internal stratification within each minority group, as well as differentiation between the racial groups. This perspective,

therefore, suggests that Asian Americans also experience internal stratification within and between Asian ethnic subgroups, and clarifies divergence within Asian Americans regarding the issue of affirmative action (intra-racial positionality).

Both racial triangulation of Asian Americans and the new racism racial stratification system are essential when examining the incorporation process of newly migrated or naturalized Chinese Americans who experience high levels of economic integration with high educational achievements but experience different paths within social, cultural, and political arenas. These two key theoretical frameworks allow researchers to investigate how multiple factors complicate their inter-racial/intra-racial positionalities rather than replace the racialization process of such group and influence their political behaviors, including the development of opinions on affirmative action policies.

2.3 Asian Americans and Anti-Blackness

Prior studies on racial identities of Asian Americans mainly focus on the group's representations relative to white people (Dhingra 2003). As mentioned in previous subsection, the "whitening" argument highlights narrowing distances in the group's identification with the white mainstream (Yancey 2003), while the collective minority argument emphasizes the group's ongoing recognition as a minority (Kibria 2002; Tuan 1998). Neither white nor black people, Asian Americans navigate their lives in relation not only to the white mainstream, but also to other people of color. However, little is known in the literature about how Asian Americans identify themselves in views of both white people and other minority groups, especially African Americans (for exception, see Dhingra 2003; O'Brien 2008). The tri-racial perspective sheds light on the identity formation of Asian Americans relative to both white people and black people. This angle predicts that Asian Americans as "honorary white people" are likely to hold affinity with white people and distance themselves from darker-skinned minorities (Bonilla-Silva 2002). Empirical evidence

shows Asian Americans' pro-white and anti-black (and anti-Latino) attitudes (Bobo and Johnson 2000; Dhingra 2003; Xu and Lee 2011). Similarly, the group in general is more likely than other racial/ethnic minority to endorse color-blind policies (Bobo and Johnson 2000). The historical studies on whiteness have shown that racial identification of emergent immigrants is triangulated between whiteness and blackness. According to Roediger (1999), the Irish immigrants in the 19th century who were first viewed as a near-black race, succeeded in white identification by symbolically dissociating from black people (expansion of whiteness category). The Chinese in Mississippi delta during the early 20th century were able to achieve "white-like" status not just by acculturation but also through the collective identity work to dissociate with black people (Bow 2010; Loewen 1988). The recent non-white immigrants also face a similar identificational challenge when acculturation, or white identification, is not enough to create assimilation; successful assimilation also depends on symbolic dissociation from black people (Waters 1999). The symbolic dissociation with black people, in addition, requires the minorities not only to socially disconnect with black people, but also to endorse the racial norms and ideology of the white mainstream (Bow 2010; Roediger 1999). Asian Americans also attempt to distance themselves from black people by approving racial norms, such as black cultural inferiority (Dhingra 2003).

A unique challenge for Asian Americans, unlike the early European immigrants, is that black dissociation does not guarantee assimilating to a white mainstream. As a "racialized ethnic," Asian Americans remain "honorary" white people rather than becoming fully white (Tuan 1998; Bonilla-Silva 2002). The racial norms tied with black dissociation continue to racialize Asian Americans as a minority. Nonetheless, for this intermediate group, dissociating with black people and sticking with racial norms are necessary to maintain the group's elevated social status (Bow 2010). The racial identification of Asian Americans, thus, is characterized by its ambivalence; they symbolically deny being an "oppressed" minority and, at the same time, endorse being non-white. Empirical studies have shown that Asian Americans tend to verbally downplay the significance of experienced racism

in their lives to distance themselves from the oppressed minority image (O'Brien 2008). These studies suggest a correlation of the group's unique discursive practices to the group's structural position, mainly regarding black disassociation (Chou and Feagin 2008; Dhingra 2007; O'Brien 2008). And my findings further propose that the discourses surrounding the experiences with racism are associated with their identificational ambivalence regarding both black dissociation and white identification.

In short, the binary perspective of racial identity of Asian Americans focuses on the group's representation relative to only the dominant race. The emerging view of a tri-racial identity considers the identity formation in which individuals represent themselves relative to both white people and black people, which predicts that the group's racial identity is characterized by its ambivalence, claiming being neither white nor black, and internal stratification.

Race scholars have emphasized an intertwined relationship between race and ethnicity among Asian Americans (Kibria 2002; Tuan 1998). In contrast with European Americans who enjoy a full degree of freedom in ethnic identification (Alba 1990; Waters 1990), Asian Americans are forced by the larger society to remain ethnic as "Asian." Asian Americans, regardless of diversity of country of origin, are categorized by a racial term, "Asian" (Kibria 2002). Moreover, ethnicity as Asian is regarded as foreign to Americanness, which contributes to the construction of Asian Americans as "forever foreigners" (Tuan 1998). These studies highlight how the external forces of racial categories and meanings restrict the group's ethnic options, forcing it to remain ethnic in society. Some studies have further examined the social processes in which Asian Americans construct their ethnicity in ongoing interactions with the larger contexts. Like other ethnics, Asian Americans maintain ethnic attachment and pride through solidarity or shared interests (Portes and Zhou 1993). On the other hand, however, the group tends to accept the racialized conception of Asian ethnicity (Osajima 1993; Pyke 2000; Pyke and Dang 2003). Although the model minority stereotype praises Asian culture and norms for their "pro-work, pro-education, pro-merit values"

(Harrison 1992), at the same time, Asian-ness in the American context is closely associated with inferiority and deviancy when compared to Americanness (Lee 1999).

2.3.1 Chinese Anti-blackness in Mainland China

To gain a better insight of how the recently migrated Chinese Americans perceive race and racial relations in the US, it may be helpful to also understand how the race discourse has evolved in China and its close tie to Chinese (often racially-based) nationalism. From the yellow race discourse in late nineteenth century to the Sino-African friendship discourse in the Mao and post-Mao regimes, to the recent African threat discourses in Nanjing and Guangzhou, scholars have studied the development of Chinese knowledge of blacks and Africans within larger contexts such as China's anti-colonial struggles, the rise of nationalism and the pro-democracy movement, changing diplomatic and trade relations with African countries, and the intersection of internal and international migration in global cities (Cheng 2011; Dikotter 1994; Lan 2016; Sautman 1994; Sullivan 1994).

Along with internal development of race and understanding of blackness (e.g. skin tone as class marker[18]), the Western notion of race found its way to China through three channels: missionary teachings, Chinese students who studied in the West, and Japanese translations of Western political and social philosophical texts (Fennel 2013). The spread of Western racial ideology in China in the late nineteenth century promoted ideas of the racial inferiority of blacks among elite Chinese, yet it also facilitated the development of an anti-colonial discourse concerning the competition for power between the white race and the yellow race, which reform-era racism calls into question China's credentials as a leader of the Third World (Sautman 1994).

[18] In premodern China, the Chinese understanding of blackness encompassed several groups of people with dark skins: the non-Han Chinese, South Asians, and black African slaves brought to Guangzhou by Arab traders (Wyatt 2010).

In the 1980s, anti-black racism indicated the feelings of Chinese discontented elite who regarded Africans as racially inferior yet were upset by China's own lack of modernization. Sautman (1994) highlighted anti-black bias can be seen in the context of a recrudescence of elitist values that link and denigrate those who are dark and those who are dark and those who are poor. He also found that the racialized outlook of Chinese students and intellectuals evidenced by the survey supports the inference that racism, not xenophobia, was the driving force behind clashes between Chinese and African students on the university campuses in China throughout the 1980s. The bottom tier ratings were given Africans and Chinese peasants, taken together with similar comments about the two groups and an elite tradition of depreciating peasants as dark and backward, lends confidence to the claim of African students that Chinese view them as peasants and inferior (Sautman 1994). Today it reflects the thinking of those who are well-connected to the world in an era of China as a global power[19] (Cheng 2011). The common saying in China: "the greatest evil to avoid is nation destroyed and race annihilated (*wangguo miezhong*)" shows how nationalism and racism reinforces each other in the perception of the Sino-African connections against a more general background of racial discourse since the 1980s.

Cheng (2011) and Lan (2016) point out the paradox of Chinese racially supersensitive and super-insensitive at the same time; a history with China as a victim of foreign racism while denying its own racism. This racial perspective is also reflected recently in protests about coronavirus' association with China (e.g. Trump referring to COVID-19 as Kung Flu or Wuhan Virus) while implicit racism and discrimination against Africans, or more broadly, "black people," was commonly observed during the COVID-19 crisis. In the case of Guangzhou, they (falsely) presented Africans as a direct threat to the safety and security of the local Chinese[20]. For historical and ideological

[19] Popular Chinese terms referring to non-Chinese are often racially explicit, such as *wokou* or *xiaoguizi* for Japanese, *gaoli bangzi* for Koreans, *laomaozi* for Russians, *hongbizi a san* for Indians, *yangguizi* for Westerners and *huigui* for blacks (Cheng 2011).

[20] Because 76 percent of all foreign positive cases identified in Guangzhou in March have been from African countries, Africans have become a top target of Chinese quarantine efforts. As a result, local Chinese started to fear that all Africans in the city were infected and contagious, bringing an eruption of local resentment, evictions, refusals of service, and

reasons, the Chinese people are aware of their history of being victims of Western and Japanese racism but are often blind to their own racism, and society lacks anti-racist education or promotion of public awareness of sensitivity to racism. Such tendencies suggest that a racism with Chinese characteristics will keep growing as China continues to be a global power.

This also closely relates to the case of SCA5 (and recently in the cases of I-1000 and ACA5/Proposition 16) as the fourth wave Chinese Americans have arrived to the US at a time when China (was and) is ascendant. In the analyses of subsequent chapters, conditional code switching between racial/ethnic identity is evident—from the broader racial category, Asian American, to a specific ethnic identity, Chinese American, or vice versa—when in addressing affirmative action and hyperbolically casting it as Asian American interest and focusing on Chinese ethnic-specific interests at other times (e.g. improving Chinese Americans' image, raising Chinese cultural awareness). Moreover, they fail to understand the deeply rooted history of racism and inequality in the US, that Asians were victims but also benefiters of the system that is based on anti-blackness. Instead, they rely on a rather simplistic understanding of American Dream as though it were a contractual arrangement, as Zhao, founder of AACE, explained to me: "The American Dream says that each US citizen should have equal opportunity to pursue prosperity and success through hard work, determination, and initiative."

2.4 Asian Americans' Racialization and Group Consciousness in Political Participation

Examining Asian Americans' political identities and ideologies can advance understandings of race and political engagement in three key ways. First, Asian Americans are the fastest growing racial group in the US (Pew Research Center 2012), but much remains unknown about their racial

maltreatment. The timing in this rise in negative sentiment tracks with the rising number of African infections in Guangzhou: The persecutions have really only appeared in April, not during the peak periods of China's COVID-19 crisis, which was late January to mid-March. Local shops refuse to provide service to "black people," and evicted African nationals have had to sleep on the street (https://www.theguardian.com/world/2020/apr/27/china-fails-to-stop-racism-against-africans-over-covid-19).

identities and ideologies (McClain et al. 2009). Second, although this group's socioeconomic adaptation as immigrants has been studied extensively, less attention has been paid to their civic and political incorporation – especially for the second generation (Wong et al. 2011) and post-1990 newly migrated immigrants. Third, Asian Americans' low levels of political engagement pose puzzles by defying longstanding links between higher SES and political participation (Lien et al. 2004). Asian Americans are among the most 'civically alienated' from multiple civic and political activities and have the lowest voter registration and turnout rates (CIRCLE 2014). Yet Asian Americans also wield influence as vocal participants in racialized issues such as affirmative action (Ramakrishnan 2014), raising questions about how and when their racial ideologies are activated for political engagement.

Asian American identity manifests in multiple and contrasting ways. Previous studies on Asian American political engagement have often focused on pan-ethnic and ethnic identity formation and organizing (Espiritu 1993; Okamoto 2014). Previous scholarship has focused on whether Asian Americans prefer ethnic over pan-ethnic identity and implications for different types of political participation (Lien 2001; Lien et al. 2004; Wong et al. 2011). Asian American pan-ethnic identity can involve explicitly political rejection of racist ideologies and understandings of shared discrimination across ethnicities (Espiritu 1993; Okamoto 2014; Trieu and Lee 2018). Yet Asian American identity also manifests as colorblind, apolitical identity based on perceptions of shared culture, values, and worldviews, such as parental expectations around education and hard-work work ethics (Dhingra 2003; Junn and Masuoka 2008; Kibria 2002; Park 2008). Asian Americans may also internalize racism by believing in "model minority" and "perpetual foreigner" stereotypes (Pyke and Dang 2003; Trieu and Lee 2018). Since identity does not always translate into political engagement, it is important to consider ideologies around group status.

Yet identities alone do not necessarily foster political consciousness or engagement (Junn 2006; Miller et al. 1981). As an alternative conceptual framework, group consciousness includes not

just identity, but beliefs about diminished group status, critiques of systemic inequality, and interests in collective political activity (Miller et al. 1981). Asian Americans are racialized – that is, ascribed and perform racial meaning (Omi and Winant 2014) – in ways that may inhibit group consciousness. There are still limited understandings as to how theoretical racialization processes empirically play out in Asian Americans' political identities and ideologies (Wong et al. 2011). Group consciousness provides an useful framework to examine political ideologies and identities, including group identity; dissatisfaction about the diminished status or power of one's group; blaming societal inequality rather than personal failings, and beliefs in collective political activity to elevate group status (Miller et al. 1981). However, extant studies of group consciousness were originally based on African Americans and have not translated easily to Latinos and Asian Americans (Chong and Rogers 2005; McClain et al. 2009). Studies, generally survey-based, have resulted in inconclusive and contradictory findings about whether Asian Americans exhibit group consciousness, and whether group consciousness is associated with different political activities (Chong and Rogers 2005; Junn and Masuoka 2008; Lien 2001; Masuoka 2006; Wong et al. 2011). Furthermore, Asian Americans' racialization as exemplary 'model minorities' who are socioeconomically successful and excluded as perpetual foreigners may inhibit political engagement (C. Kim 1999; Lien 2001; Mollenkopf et al. 2006). We still have limited understandings of specific processes that can translate experiences and identities into political engagement for Asian Americans, as well as different expressions of group consciousness reflecting Asian Americans' racial positioning (Junn 2006; Junn and Masuoka 2008).

Colorblindness and the model minority framework may further engender beliefs that Asian Americans do not experience devalued status. Chinese Americans may internalize model minority tropes and focus on individual ascent, shunning politics because they believe that discrimination does not impact their socio-economic mobility (Aptekar 2009; Mollenkopf et al. 2006). However, ethnic groups or individuals who experience more overt discrimination may perceive themselves as

wrongly denied power, thus igniting political engagement; for example, Indian Americans' confrontations with police may weaken investment in model minority tropes and encourage collective political action (Aptekar 2009). Similarly, survey-based studies find that individual experiences of discrimination, being a victim of a hate crime, perceptions of anti-Asian bias, and feelings of commonality with other groups are positively associated with political participation (Lien 2001; Lien et al. 2004; Wong et al. 2011). However, many Asian Americans deny or understate experiencing discrimination, especially when compared with African Americans' subordinate racialized circumstances (Dhingra 2003; Lien 2001; O'Brien 2008). Contradictory findings raise questions about processes contributing to beliefs around devalued status and system blame. Few research produce inconsistent conclusions about Asian American attitudes towards systemic or individual failures as explanations for inequality. Surveys find that a majority of Asian Americans support a more active government, a strong social safety net, and higher taxes (Ramakrishnan 2014); yet almost 70 percent believe that "people can get ahead if they are willing to work hard" (Pew Research Center 2012). Thus, Asian Americans exhibit complex political opinions that neither clearly embrace nor reject critiques of systemic inequality. Nor do more socioeconomically disadvantaged groups develop system blame. Masuoka (2006) finds that group consciousness is associated with higher income among Asian Americans, and socioeconomic status does not completely explain ethnic group differences in political behavior (Wong et al. 2011). As such, extant scholarship raises questions of how Asian Americans interpret their racial positioning with implications for collective action.

Political scientists, sociologists and immigration scholars have also considered immigrant socialization as a critical aspect of Asian American politics as Asian Americans are predominantly a population of immigrants and their offspring (Wong et al. 2011). Based on the 2004 American Community Survey, nearly two in three Asians in America (65%) are foreign-born, and roughly 90% are either immigrants or their offspring. Thus, unlike most native-born Americans who

acquire partisan habits through their parents and civic skills in their K-12 education and other institutional venues, Asian immigrants and their offspring are less likely to be fully socialized into American political life. It is little surprise, then, that previous studies have shown that factors related to immigrant socialization such as nativity, immigrant generation, length of stay in the US, English-language proficiency, and citizenship status are significant predictors of Asian American political participation (Lien 1994; Cho 1999; Wong 2000; Lien et al. 2004; Ramakrishnan 2005). In their study of political participation in California, Uhlaner et al. (1989) note that voting among immigrants is influenced by the duration of their stay in the US, as well as their ability to speak English. Cho (1999) also finds such factors to be important and suggests that immigrants educated abroad are less likely to vote than those educated in the US. Finally, Junn (1999) finds that immigrants may be less likely to participate in "system-directed" activities, such as voting, but they are just as likely as the native-born to participate in "direct" political activities such as protests. Thus, one potential explanation for the patterns of political participation observed among Asian Americans is that different ethnoracial groups may vary in the extent to which they are socialized into the political arena.

Limited evidence suggests that Asian Americans express interest in group collective action. A third of Asian Americans believe in common political interests with other Asian Americans (Wong et al. 2011). Asian Americans have engaged in historical and contemporary political efforts around issues such as anti-Asian violence, lack of equal opportunities, workers' rights, and coalitional efforts with other communities of color (Chung 2005; Espiritu 1993; Okamato 2014; Saito 1998). Yet Asian Americans generally exhibit low levels of political engagement and are pessimistic that they can personally influence politics (Lien et al. 2004; Mollenkopf et al. 2006).

To summarize, extant scholarship thus illuminates two major gaps. First, racialized positioning, discrimination, identity, ideologies, and immigrant socialization are associated with Asian American political engagement. Yet these factors shape group consciousness in complex ways

not fully revealed by survey data. We still have narrow understandings about how identities and ideologies link to political action for some Asian Americans and not others. Some may dismiss experiences of discrimination (Kibria 2002; O'Brien 2008), while others treat them as politicizing motivations (Espiritu 1993; Wong et al. 2011). Thus, scholars have called for better understandings of processes that mobilize identity and ideologies for political involvement (Junn 2006; Junn and Masuoka 2008). Second, Asian Americans may express group consciousness, like identity, in unique and heterogeneous ways. Non-Black minorities who perceive their positions as less stigmatized might express group consciousness in ways other than racial grievance, or dissatisfaction with group's lowered status (Junn and Masuoka 2008; McClain et al. 2009).

Interestingly, the case of SCA5 touches upon both. It is the case where the fourth-wave Chinese immigrants are expressing high level of Asian American group consciousness especially in the affirmative action debates, often by claiming affirmative action policies are discriminant against Asian Americans and the Chinese American identity is equated to Asian American identity. But at the same time, they hold on to a strong ethnic attachment and identity, especially in which the newly formed fourth-wave Chinese immigrant based organizations are focused on advancing Chinese interests at the local level than the broader Asian American interests, and have actually influenced the political outcome, the defeat of SCA5, in their favor.

2.4.1 Post-1990 New Chinese Immigrants: Moving Beyond the "Three-Step Process to Participation"

Previous scholarship argues that for as many as three-fourths of voting-age Asian Americans who were born outside of the US, the "simple act of voting" may not be so simple at all (Dalton and Wattenberg 1993; Kelley and Mirer 1975; Lien et al. 2004). To cast her ballot, a potential voter must engage in a three-step process—naturalization, registration and turning out that involves, at each turn, a set of costs (Lien et al. 2004). Yet, the Asian American political

incorporation in many of heavily Asian-populated cities and suburbs have extended beyond traditional political behaviors such as naturalizing and voting to include latter forms of political behavior, such as running for political office and participating in the making of public policies. The fruits of such political incorporation efforts have challenged previous political behavior studies in American politics that suggest it takes decades for immigrants to become active in politics (Jacob 2006; Lien 2001; Wong et al. 2004; Parenti 1967). Instead, it is often the first-generation Asian Americans who are the political pioneers in their respective residential areas and suburbs to actively engage in various forms of political participation and mobilize both new and old voters and contributors into the political process along the way (Lai et al. 2001). This was also evident in the case of SCA5—successfully pushing against the bill, we witnessed births of many new grassroots local organizations, effective and rapid mobilization both online and offline, engagement in various forms of political participation ranging from contacting the officials, attending townhall meetings, to creating and filing petitions, to list a few. Having many valuable hard and soft resources available in online and offline spaces, the newly migrated Chinese Americans jumped over the hurdles of the three-step process to political participation and expanded the grounds of participation rather quickly compared to previous immigrant generations. Furthermore, they were able to effectively put pressure and holding their local and state representatives accountable—for example, Senators Carol Liu, D-Glendale; Leland Yee, D-San Francisco; and Ted Lieu, D-Redondo Beach, all voted in favor of SCA5 but stated reservations about their votes after receiving a barrage of negative correspondence from constituents.

2.5 Conclusion

In this chapter, I addressed the transformation of US racial hierarchy and reviewed the frames of pan-ethnic identity and group consciousness that are crucial in explaining Asian Americans' political participation. The central focus is on the racialization process of Asian

Americans in general, and of those newly migrated, and I argue for the importance of processes that infuse lived realities with politicized meanings in understandings of Asian American political engagement. I suggest that such processes encouraging group consciousness involve re-framing personal experiences to challenge dominant racial narratives and fostering explicit motivations and skills for political engagement.

Moreover, previous studies further highlight the ambivalence of pan-Asian identity in Asian American politics and their political behavior (especially when compared to black people' linked-fate (McClain et al. 2009)) and fall short to explain the strong opposition among Chinese Americans and Chinese recent immigrants against affirmative action regardless of existing discrimination and current racial hierarchy. I expect that this ambivalence can reflect complex racialization; it involves far deeper understandings of politicized cultural recuperation, race and class critiques, and recognition of simultaneous differences and commonalities with other subordinated communities.

In summary, because the newly migrated Chinese immigrants do not share the same racial history and trajectories of immigration, processes of racialization (which may have already formed prior to moving to the US and continued to evolve during their stay in US), and broad political/social experiences with the already long-term established (older generations) of Asian Americans, the context of the contemporary U.S racial hierarchy does not yet effectively serve to shape their identities and political attitudes, and to inspire the group with similar ideas and feelings among Asian Americans and other racial minority groups about what needs to be done to ameliorate racial disparities when it comes to supporting affirmative action policies. Various factors already have and are still influencing their racialization and re-ethnicization processes; it is difficult to conclude that this group has sprung out of nowhere and actively decided to take an oppositional stance and be the wedge among Asian Americans when it comes to affirmative action policies. Factors such as 1) prior experiences of Cultural Revolution, 2) importance of education in upward social mobility, 3) financial resources and network established among the already successful (built

through undergrad in China and post grad in the US), 4) comprised of groups of people dominating the STEM fields and technology facilitating the mobilization process (as a result of highly selective immigration policies), and 5) large numbers in the communities and formation of grassroots level organizations allowing broader political engagements, have contributed to and ultimately led to a significant policy outcome for the fourth-wave Chinese immigrants in the case of SCA5.

In the next chapter, the focus is set on understanding the trajectory and changing landscapes of Asian American politics around affirmative action debates up to the 2014's SCA5.

Chapter 3. Asian Americans and Affirmative action: What came before SCA5

3.1 Introduction

The term "Asian American" was developed largely during the political awakenings of the Civil Rights era (Espiritu 1993; Kitano and Daniels 2000; Lee and Zhou 2004; Lien 2001; Lien et al. 2004; Lowe 1991; Maeda 2009; Wei 1993). It was a banner term under which mainly Chinese and Japanese American college-age individuals mobilized in order to raise awareness of racism and discrimination through protest of the Vietnam War, develop mutual support across ethnic groups, and provide services for the needy (Espiritu 1993; Lien 2001; Wei 1993). This groundswell developed further into campus movements for ethnic studies programs, which first appeared at San Francisco State College (Espiritu 1993; Lien 2001). Since that time, the pan-ethnic movement has diverged into several tracks, including the development of additional Asian American studies programs (Espiritu 1993; Kibria 2002; Wei 1993), provision of social services (Espiritu 1993; Wei 1993), protest against anti-Asian bias and violence, and various forms of pan-ethnic collective action (Espiritu 1993; Maeda 2009; Okamoto 2006; Wei 2004; Zia 2001).

Since the late 1960s, the categorical term "Asian Americans" has become to be widely used and institutionalized. While some factors that urged Asians to the pan-ethnic term have significantly changed, it continues to be a salient term and grouping. In studying the propagation of Asian American pan-ethnicity during the 1970s and 1980s, Espiritu cited culture, emotion, economy, and politics as major factors, with examples including anti-Asian violence, electoral representation, and social service funding (1993). This development of the Asian American pan-ethnic identity has brought substantial benefits, including affirmative action policies, to communities affiliated with it, involving greater socioeconomic and political clout (Geron and de la Cruz 2001; Okamoto 2006).

Yet over the past decades affirmative action has emerged as the defining wedge issue on race, and Asian Americans occupy a unique position in this heated political debate. Asian Americans

are materially and ideologically on both sides of the political divide, with some adamantly supporting and other vehemently opposing the policy. The socioeconomic and ethnic diversity of Asian Americans poses troubling questions regarding the underlying purpose and coverage of race-conscious programs. As discussed in the first and second chapters, Asian Americans do not fit easily into the prevailing black-white conceptualization of race, specifically in this case into remedial policies predicated largely on the black and Latino experience. Asian Americans remain significantly disadvantaged in some arenas, thus have a plausible claim for inclusion in group-based programs, but they are not relatively disadvantaged in other arenas to black people and Latinos.

The socioeconomic status of Asian Americans points to a complex hierarchy rather than a simple dichotomous order. The simplicity of a black-white paradigm lies in the absolute and interlocking of the group ordering across disparate arenas, from education to work to capital accumulation. The inequality is so pervasive, glaring, and systematic that it is self-evident. In a simple bi-polar structure, policies to correct racial inequality seem simpler to design and implement, although remains controversial with the disputes revolving around the specific causes and solutions. The status of Asian Americans moves us away from this duality to a more nuanced paradigm with Asian Americans occupying a middle position between black people and white people. Even this ordinal depiction fails to capture the complexity—the material standing of Asian Americans varies significantly from one dimension to another so that the juxtaposition is not fixed. This inconsistency undermines the validity of the prevailing notion about racism.

The presence of Asian Americans has also complicated the political debate. In a few geographic locations, Asian Americans are sufficiently large enough to affect ballot outcomes, consequently, they are courted by proponents and opponents for votes. The importance of Asian Americans, however, extends well beyond narrow electoral politics, as it was evident in Washington (against R-88 Initiative) and California (against SCA5) fighting against reinstating

affirmative action, and *Ho v. San Francisco Unified School District (SFUSD)* banning the school's race-conscious admission policy.

Moreover, the ideological position held by Asian Americans holds an important symbol. The affirmative action debate is about the extent of society's obligation to address racial inequality and about the mechanisms that ought to be used. As a minority group with a long history of racial victimization, but also that has overcome many, albeit not all, racial barriers, the position taken by Asian Americans is powerful fodder for political polemics. Coming to grips with the Asian American political position, however, is not easy due to the heterogeneity of the population.

In this chapter, the evolution of the affirmative action and the unique position that Asian Americans occupy in the debate over affirmative action will be discussed. I start by examining the two key framings, "oppressed minority" and "model minority," which are closely weaved into the context of affirmative action, to illustrate the inequities that occur in policy and research when the analyses of Asian American communities are not nuanced and are based on a singular frame or a forced binary concept. I then provide an overview of the evolution of the policy from historical and legal perspectives, and in between, I emphasize the two cases, *Ho v. SFUSD* and the passage of Proposition 209 which are essential in laying the grounds for the 2014 SCA5 in California.

I highlight the transformation of Asian Americans' position in the affirmative action debates: initially considered as benefactors of the policy and allies to black people and other minority groups in the Civil Rights Movement in the 60s, and slowly isolated and displaced through the works of "two-staged Asian spoilers" narrative and model minority myth by "Asians casting doubt from the inside of programs by supposedly delinking discrimination and injury/need and Asians, especially those are newer immigrants, casting doubt from the outside of programs as putative victims" (C. Kim 2018), and proactively challenging the policy and defending the status quo (Proposition 209) and their interests by standing against SCA5 in 2014.

During this course of transformation, it is crucial to acknowledge the different compositions or groups of Asian Americans that have been passively or actively involved in the debates/discussions fighting for or against affirmative action policies. In other words, the group in such debates as "Asian Americans" throughout the evolution of affirmative action can be referring to different groups of Asian Americans that hold and share different trajectories and stories of immigration and racialization processes.

Affirmative action is the contested boundary defining how aggressive government ought to be to redress racial inequality. Unlike the strong public and judicial support for anti-discrimination laws, support for race-based strategies to attenuate group disparity is ambiguous and conditional. The heated debate revolves around programs governing the internal operation of the public sector: government hiring and contracting, and admission to undergraduate admissions. When examining the material positions of Asian Americans in three major arenas—education, employment, and business— the statistical evidence reveals a mixed picture of high achievement and under-representation. Because of this spread, and aside to differences in trajectories of immigration history and racialization processes, Asian Americans have taken varying political positions within the affirmative action debate in pursuit of both self-interest and broader principles.

3.2 Oppressed Minority vs. Model Minority Myth, and the Context of Affirmative Action

Of the various frames that have been used to conceptualize research on Asian Americans and education, there are two that have been most dominant: the "oppressed minority" and the "model minority." Both frames pre-date the upsurge of sociocultural, postmodern, and critical research since the late 20th century, but both frames also continue to be influential. The general premise is that Asian Americans are generally immigrants or the children of immigrants who had to leave their homelands, often because of American or European oppression, to seek a better life in another country. Upon arriving and residing in the US, Asian Americans are a minority that has

been historically and institutionally oppressed, much like other minority groups, and particularly people of color. While there have usually been more well-off individuals among Asians who come to the US, the "oppressed minority" frame tends to speak of those with economic privilege as a minority and focuses on working-class communities. It is a powerful narrative that speaks to the experiences of millions of Asian Americans that spans two centuries, whether as mine or railroad workers in the mid-1800s, agricultural and cannery workers in the early 1900s, post–Vietnam War refugees after the 1960s, and present-day low-wage laborers whose family members may or may not be documented (Low 1982; Um 2015).

The "oppressed minority" frame is commonly invoked to couch arguments, theories, and policies regarding Asian Americans in general, including issues of education. As might be expected, issues of oppression and various "-isms" (e.g., sexism, classism, racism) are a common part of the liberal, progressive, and radical lexicon on Asian Americans, and are used to weave Asian American communities within the larger fabric of US history and the struggle for civil and human rights of minorities, immigrants, refugees, and other marginalized populations (Au and Brown 2014; Howard 2010; Kurashige 2008). However, as seen in the subsequent chapters, the fourth wave Chinese Americans acknowledge the oppression targeted towards Asians and recognize systemic and institutionalized racism against people of color, particularly towards the black people, but this broad sense of 'oppressed minority' does not effectively translate into building a common ground for stronger panethnic Asian identity and/or a minority coalition, and instead they shift the discussion that further crystalizes the model minority myth tropes.

The basic premise of model minority myth holds that the Asian minority group has somehow been able to adapt and achieve well within the US system, particularly within education, which is popularly held up alongside hard work as the key to upward mobility. Key interpretations here would include "the American Dream" and the adage of all Americans being able to "pull one's self up by the bootstraps" to join the middle class or even the rich (Apple 2006; Yu 2006). This

rather simple conceptualization has had tremendous implications for education, politics, social services, and other areas (Beam et al. 2011). Moreover, the cloak of invisibility over Asian Americans serve to help people ignore any concerns of the Asian community. By shielding the diverse experiences of Asian-American subcategories with the inaccurate myth of model minority, people are persuaded that Asians are not the damsel in distress minority group. In essence, the public generally assumes that Asian Americans are doing so well that they do not require public assistance or culturally specific programs, do not deserve private foundation support, and do not need educational help (Beam et al. 2011). These dangerous assumptions about Asian Americans only serve to block their access to an otherwise beneficial program. Because of poor social science, the myth of model minority helps the public to turn a blind eye to what scholars have pointed out for decades: Asian Americans *can* benefit from affirmative action (Beam et al. 2011). However, the fourth wave Chinese Americans directly challenge this notion by casting doubt of the program as "putative victims" and favoring merit over racial preferences (C. Kim 2018).

This holds several implications: the model minority myth implies that the US educational system works (i.e., it is a true meritocracy), and thus does not need substantial reform or overhaul. A second implication is that if there is a "model minority" then there must be other minorities (e.g., Latina/os) who are not adapting and achieving, and thus perhaps there is something at fault or in deficit with those groups instead of the system. A third implication is that Asians must be doing something right to be able to achieve highly, and thus there must be something within their "culture" that is able to be emulated, especially for other minorities who are not doing as well. While there are other implications of the "model minority," the ones listed begin to unveil the highly problematic consequences of the frame when it is perpetuated, generalized, and acted upon as truth, including by Asian Americans who adhere to and benefit from its propagation. Particularly the research literature in education and other disciplines have analyzed how the model minority myth frame has served as a sociopolitical wedge that divides interest groups who may otherwise

collaborate to push for change (Chang and Au 2008; Poon et al. 2016), such as in high-stakes testing, school board or labor union elections, diverse curriculum, bilingual education, and university admissions.

Although the two frames of "oppressed minority" and "model minority" can be held up as binary opposites, they are not mutually exclusive and have been tied to one another in analyzing Asian American issues. For example, conservative and neoliberal discourse may sometimes utilize parts of the "oppressed minority" frame. These are often used to defend the idea that Asian Americans are the "model minority," as "they" came from such difficult backgrounds but were able to succeed once in US society and schools. Moreover, though both frames are also commonly employed by Asian Americans themselves, these frames can be refuted as generalizations that essentialize or overlook large sections of the heterogeneity within the Asian American monolith. The "model minority" frame is somewhat simpler to challenge here, as there are clearly large sections of students within dominant ethnic subgroups who do not fit the high-achieving stereotype. The "oppressed minority" frame requires a bit more examination, as it has been applicable to Asian Americans in many contexts, including education, the law, and social movements. In terms of conceptualization, the "oppressed minority" frame fit well with much of the thought that highly influenced those who considered themselves Asian Americans and part of the Asian American movement struggles from the 1960s to 1980s. These ideas included Marxism-Leninism-Maoism, the work of Frantz Fanon, the legacy of the Black Panther Party, and elements of Malcolm X and even Martin Luther King's approaches to dissent and community organizing (Ho 2000; Kelley 2002). It should be noted here that African American experiences and epistemologies were foundational to the "oppressed minority" framing and how Asian Americans approached issues of equity and justice (Lam 2015; Pulido 2006). Historical evidences of Asian American activism dating back to the late 1960s show how it was also based on the similar fundamental

premises of fighting against the shared *common* racial oppression and of forming multiethnic/racial coalition that would provide an effective basis for resisting racism (Maeda 2009, p. 77).

Maeda (2009) reveals how Asian Americans looked specifically to blackness as a key example of non-white racialization and model for radical activism in the 1960s and 1970s. For example, the Red Guard Party's (RGP) style, language, and politics clearly recalled those of the Black Panther Party (BPP), with which they had significant contact and by which they were profoundly influenced. Although RGP sought to apply the lessons of black power to the specific needs of Asian Americans, they also adopted its 10 Point Program explicitly from the Panthers' program, including demands for freedom for decent housing, education, an end to police brutality and etc., translating every word 'black' into 'yellow.' Consequently, this suggests a racial parallel between Asian Americans and black people by locating Asian Americans within a paradigm focusing on power and self-determination. Moreover, the party specifically rejected assimilation as a palliative to racism because assimilation encourages Asian Americans to denigrate black people and see them as deserving of their oppression. Instead, the party argued that racial oppression was a constitutive feature of American society and that Asians, like black people, were racialized subjects. Thus, activists were more likely to support and join organizations associated with African Americans , mainly because, unlike the civil rights movement that focused on gaining access to the white world, Black Power specifically addressed the multiple sources of domination that affected oppressed and colonized people to rise up together against their oppressors. In short, the construction of Asian American identity through the performance of blackness by the RGP demonstrated the interdependence of racial formations strictly among people of color and the points of conjunction around which Asian Americans and black people could connect politically and culturally (p. 76).

Scholarship on Asian Americans that was concerned with social issues also often utilized neo-Marxist and critical approaches that fit neatly with the "oppressed minority" frame (Kwong 2001). These emphases on race and class oppression can seem applicable to the population at those

times, as most Asians who came to the US before the World Wars were men, and the majority who arrived before the mid-1960s were poor and working-class laborers (Chan 1991; Kwong 2001). But due to various policy changes after the 1940s, the Filipino manongs and other bachelor societies made way for marriages, children, and family reunifications (Chan 1991). In particular, the 1965 Immigration Act significantly multiplied the number of Asian Americans, particularly those with significant financial resources, or high levels of education in STEM (science, technology, engineering, and mathematics) fields, in what is sometimes referred to as the "Brain Drain of Asia" (Kwong 1996; Lee and Zhou 2015). While race and class discrimination persisted, Asians in America had become a more complex population. Thus, gaps in existing theoretical approaches and the "oppressed minority" frame began to be more apparent. While not straying from the call of the "Asian American" project of the 1960s, scholars in the 1980s were already observing the rising privilege and elitism among Asian Americans and the need to develop new and more comprehensive approaches to challenge social injustices (Lee and Zhou 2015).

Furthermore, the oppressed minority narrative requires a more careful understanding of the framework as Asian Americans have been "subjected to discriminatory exclusions but also immunized from Negrophobia" (C. Kim 2018, p. 10). White supremacy has categorized Asian Americans as the "oppressed minority," but in a society built on anti-blackness they are provided with an extra cushion with access to some privileges that black people do not have access to. Kim cautions how the "oppressed minority" discourse hinders us from understanding these complex dynamics and argues that "it is not that Asian Americans disrupt the discrimination-injury/need link—that they make it despite discrimination—but that the unitary concept of "discrimination" obscures the differentiated positioning of non-White groups and its impact on group outcomes" (C. Kim 2018, p.11).

A context that illustrates problems with the "oppressed" and "model" minority frames is affirmative action, which were policies put into place most notably for more equitable access to

employment and higher education. Within racialized "minority" communities, affirmative action has been critiqued for overlooking issues of class and privilege and providing benefits to applicants with great capital who happen to be of a racialized minority. For example, one problem, previously mentioned, is when all Asian Americans are generalized and racially lumped together: this time as a historically marginalized group like "oppressed minority" or "people of color" (Jung 2014). Here, members of other marginalized groups may question why Asian Americans are included in affirmative action programs, when their group does not seem very "oppressed" and is doing quite well (Gupta 2006). If race appears to be the only consideration for program eligibility, critiques may be leveled at Asian Americans coming from highly educated middle-class families, participating alongside others who come from poverty and other hardship. Conversely, Asian Americans are sometimes not included as part of affirmative action policies, such as admissions to public magnet schools that may have strong reputations and require an application but are also tuition-free. In this context we may find more privileged Asian Americans locating themselves away from people of color, and closer to white people and other "non-oppressed" communities. In this context, Asian Americans may also claim displacement by "less qualified" applicants (Park and Liu 2014). Often times, the rhetoric of the "model minority" frame echoes in the near distance when Asian American constituents complain, "If we came to this country without anything and still made it, why can't they?" Here, "they" can refer to Latina/os and African Americans, despite some of the obvious flaws in comparison.

Aside from other "oppressed minority" groups, within Asian American groups there can be critiques of more privileged individuals who displace others coming from significant hardship. One example concerns certain Southeast Asian groups who came to the US because of its war in Vietnam. Various types of affirmative action legacy programs still exist for Hmong, Vietnamese, Laotian, Cambodian, and Mien Americans (Park and Liu 2014). However, inequities can occur when factors other than nationality and ethnicity are not considered. For example, the earliest wave of

Vietnamese refugees and immigrants who came to the US tended to be more privileged, such as those who had financial resources, education, or military clout, and received greater government assistance than those who came later (Vo 2008). The later waves had significantly less capital, yet there is usually no distinction made across Vietnamese groups. In Cambodia, the civil war, mass imprisonment, and purges that occurred were experienced by some ethnic Chinese merchant families, often from Chaozhou or Fujian province backgrounds. On paper in the US, ethnic Chinese Cambodians are held the same as Khmer Cambodians although latter are "indigenous" to the land of Cambodia, were largely agricultural workers, and are noticeably darker in phenotype (Gordon 1987). Yet when we look at the educational and economic outcomes of these families, we tend to see much greater mobility for ethnic Chinese than Khmer communities, who often have similar educational outcomes and identities to that of many low-income African Americans (Chhuon 2013). Despite the probable advantages of many ethnic Chinese and early wave refugee or immigrant subgroups, individuals from across the subgroups are usually considered the same when applying for educational programs and admissions (Chhuon 2013). Typically those of higher capital are accepted, as they appear to be more "college-ready." While there has been some level of integration through intermarriages of the groups over time, the key point in mentioning these disparities in ethnicity, class, immigration history/trajectory, and phenotype is to demonstrate how material inequities can occur when we homogenize and over-simplify race, experience, and merit, such as with the "oppressed minority" and "model minority" framings of the Asian American umbrella group.

In sum, it is evident that both frames are unintentionally and intentionally at the works in the evolution of affirmative action and simultaneously influence Asian Americans, who are comprised of different groups of people migrating and being politicized at different points of time (e.g. Asian Americans in the 1960s fighting alongside black people in the Civil Rights Movement and newly migrated/naturalized Asian Americans in the 1990s fighting for their status quo (Proposition

209) and their interests), to hold diverse perspectives on the policy. In the next section, I discuss the brief history of affirmative action and examine how Asian Americans have been positioned in the debates/discussions, as from an outlier minority to a victimized minority, and how their views on the policy diverged over time.

3.3 Evolution of Affirmative Action

Affirmative action must be understood as a part of a political movement by black people and their allies to fight racism and promote socioeconomic justice. The decades leading up to this policy were ones of historic changes. Starting with the integration of the military during the WWII, the Civil Rights Movement went on to transform other parts of society, which much of the gains coming in the 1960s. State-supported segregation in public schools ended with the 1954 *Brown v. Board of Education* ruling. President Kennedy used executive power in 1961 to require federal contractors to end any discriminatory employment practices and to establish the Equal Employment Opportunity Commission (EEOC). Congress enacted the Civil Rights Act of 1964 to prohibit discrimination by privately owned facilities open to the public, by federally funded programs, and by both private and public employers. The 1965 Voting Rights Act added force behind the drive to protect the rights of minorities to participate in elections. Presidents played key roles in setting the pace (Skrentny 1996). Despite campaign promises and inspiring public pronouncements, President Kennedy moved slowly and cautiously, shying away from fully utilizing his discretionary powers and delaying politically risky legislation. Lyndon B. Johnson's view evolved over his career, initially siding with segregationists as a congressman, then accepting the necessity of addressing civil rights issues as Senate Majority Leader, and later pressing for legislation as vice president. As president, he pushed his "Great Society" agenda to attack racial inequality. President Nixon proved enigmatic for initially supporting and then opposing key

elements in the civil rights agenda, and his contradictory actions may be best understood as calculated political actions to weaken enemies and garner broader support (Urofsky 2020).

The enactment of these laws was facilitated by a robust and growing economy, which minimized intergroup conflicts over resources. Paying for the cost of social change from an expanding economic pie enabled this nation to avoid the difficulty of reallocating in a zero-sum game. Even with a favorable economy, the Civil Right Movement faced obstacles. Opposition, however, was not just limited to overt racists who fought to preserve the status quo, thus preserving their power and privileges. Most Americans found racial discrimination and prejudice objectionable, but reluctant to accept the demands of the Civil Rights Movement (Lipset and Schneider 1978). The majority felt that the Movement was simply "moving too fast."

Despite only conditional support from white people, or because if it, the demand for change escalated as the social movement behind the Civil Rights Movement evolved. The initial struggle focused on integrating schools and public facilities, and voter registration drives in the South. Later, the efforts moved to the north. Despite measurable economic gains, particularly by better-educated minorities, black expectations rose faster than actual progress and fueled frustration. A growing impatience over slow progress, persistent and pervasive poverty, and the lack of economic opportunity gave rise to devastating urban unrest between 1964 to 1968 (US Kerner Commission 1968). Black protest shifted the demands from political rights and integration to economic rights, and the cutting edge of the movement moved from established non-violent organizations to more militant ones espousing Black Nationalism and group rights. It is also important to note, as mentioned in the previous section, African American experiences and epistemologies were foundational to the "oppressed minority" framing and how Asian Americans approached issues of equity and justice and fought alongside (Lam 2015; Pulido 2006).

Affirmative action evolved as a pragmatic and politically motivated strategy to combat racial (and later gender) inequality. During the early stage of the Civil Rights Movement, the

dominant strategy centered on ending blatant racism. When the term "affirmative action" was introduced into policy in President Kennedy's 1961 Executive Order 10952, the proposed remedy was strictly anti-discrimination in nature, promoting hiring and terms of employment "without regard to race, creed, color, or national origin". President Johnson's 1965 Executive Order 11246 expanded the notion, requiring federal contractors to develop plans to increase the number of underrepresented minority workers. This expansion transformed the goal from equal opportunity to equal results, that is, to ensure "not just equality as a right and a theory, but equality as a fact and as a result". In his famous 1965 speech at Howard University, he argued for affirmative action:

> "You do not take a person who had been hobbled by chains, liberate him, bring him up to the starting gate of a race and then say, 'you are free to compete with all the other,' and still justly believe you have been completely fair….It is not enough to open the gates of opportunity. All of our citizens must have the ability to walk through those gates… Men and women of all races are born with the same range of abilities. But ability is not just the product of birth. Ability is stretched or stunted by the family you live with,… the neighborhood…the school… and the poverty or richness of your surroundings. It is the product of a hundred unseen forces playing upon the infant, the child, and the man."

Even after the Democrats lost the White House, affirmative action continued to gain teeth. The 1970 "Philadelphia Plan," devised during the Nixon administration, required federal contractors to establish hiring timetables and goals. Underutilization was defined as a lack of parity, when a firm employed a labor force that did not mirror the racial and gender composition of the larger labor force. Some private firms and universities also adopted this parity approach, but its application was most pronounced in the public sector, in government hiring and procurement, and admission to state colleges and universities.

When not required to adopt such plans by legal mandate, voluntary race-based affirmative action policies in postsecondary education emerged from an expressed moral imperative on the part of some colleges and universities to contribute to the cause of racial equity and social change necessary to address centuries of racial oppression (Stulberg and Chen 2014). At the most selective

institutions, these voluntarily-adopted policies started in the early 1960s at the initiative of liberal-minded administrators, inspired by the Civil Rights Movement; others joined years later, in response to direct action campaigns by Black college students and their allies (Stulberg and Chen 2014). While the resulting policies and practices included aggressive outreach to and recruitment of Black students, and the consideration of their race as a favorable and "matter of fact" factor in admissions (Stulberg and Chen 2014, p. 42), Asian Americans and other people of color were also included in these affirmative action programs (Poon et al. 2016).

The adoption of affirmative action, as a policy, pushed the envelope of what the government ought to do to address racial inequality. Anti-discrimination laws were designed to protect people against individuals acts of discrimination, and their enforcement was predicated on responding after the fact. Unfortunately, this approach failed to address systemic and institutionalized factors that disadvantaged minorities as a group. In other words, racial inequality was maintained and reproduced through forces and structures beyond individual acts of discrimination. For many black people and their supporters, attacking this problem required a radically different strategy operating at the group-level. Programs, such as those associated with the "War on Poverty," targeted disadvantaged populations by channeling resources to impoverished neighborhoods, which were highly correlated with race. Affirmative action took an explicit approach by embracing race-conscious tactics, including the minority groups protected by voting rights and anti-discrimination laws. And although largely left out from public debates over affirmative action during this period, Asian Americans have taken a strong interest in the development of equal protection jurisprudence surrounding the constitutionality of race-conscious affirmative action programs (Poon et al. 2016).

Most affirmative action programs were not strictly a quota system, but the policy had certainly emerged as a race-based program. It required a redistribution of opportunities, although this often occurred at the margin. Such a reallocation was justified because the existing system of

racial privileges was inherently unfair to the oppressed. Nonetheless, affirmative action required some segments, such as white people, to forgo some opportunities, not a simple process even if the privileges were unwarranted. This shifting of opportunities, with real and perceived winners and losers, proved to be an extremely controversial policy, raising opposition from white males and from former supporters of the Civil Rights Movement (Lipsitz 1998). The opponents of affirmative action seized on the policy's race-based nature to challenge its constitutionality, arguing that granting special status to any racial group violates the "due process of law" protected by 14th Amendment, and anti-discrimination clause of Title VII of the Civil Rights Act of 1964. Starting in 1970, affirmative action programs came under attack in the courts[21].

3.3.1 1970s: *Regents of University of California v. Bakke* (1978)

The first major setback came in 1978 with the *Regents of the University of California v. Bakke* (1978) decision. The case involved a challenge to the University of California—Davis, School of Medicine's consideration of race in its admissions decisions. The school reserved 16 of 100 places for qualified disadvantaged minority ("Black," "Asian," "Indian", or "Chicanos") students. In contrast to other institutions with a history of legally enforced segregation, the medical school had adopted its race-conscious admissions policy to remedy inequities and address the effects of societal discrimination. The school sought to defend the policy on the grounds that it was needed to: (a) address the effects of past discriminatory practices and existing racial and ethnic inequities in higher education; (b) improve the delivery of health-care services by increasing the number of physicians who would practice in underserved communities; (c) reduce the deficit of traditionally

[21] Most of the early rulings reaffirmed the legality of anti-discriminatory laws in employment. The Supreme Court ruled that firms could not use employment tests that are not job related and have a disparate impact on protected groups, and that employers must have some legitimate nondiscriminatory business reason for rejecting minority applicants. See *Griggs v. Duke Power Co.* (1971); *McDonnell Douglas v. Green* (1973); *Albemarle Paper Co. v. Moody* (1975), and *Washington v. Davis* (1976).

disfavored minorities in medical school and in the medical profession; and (d) obtain the educational benefits that flow from having an ethnically diverse student body.

In six separate opinions with no clear majority and a controlling opinion by Justice Powell, the Court applied strict scrutiny, a legal test that had not previously been applied to affirmative action policies in higher education. This test requires that an institution have a compelling interest in the policy and that the policy be implemented in a way that is "narrowly tailored" to that interest. By applying the strict scrutiny test, the Court ultimately equated efforts to promote access to education for racial minorities with discriminatory practices against white people, marking an important shift in judicial decision-making bearing consequences for admissions practices and the framing of affirmative action policies in the public arena that persist to this day (e.g., Garces 2014). This ruling changed affirmative action policy from one that could address ongoing consequences of decades of racial oppression (e.g., Skrentny 1996) to a policy that allows postsecondary admissions officers to consider all aspects of an individual's identity, including their racial or ethnic background, for the purpose of furthering the educational benefits of diversity. In other words, no longer allowed to expressly consider the effects of societal discrimination or racial inequities to justify voluntarily adopted race-conscious policies, the institutions that sought to expand access for underrepresented populations had to focus their efforts on a broader notion of diversity for educational benefits, of which race could only be one of a number of factors considered.

This comes with a caveat, however. By recognizing diversity as a compelling government interest, Justice Powell validated the presence and perspectives of ethnic and racial minorities as contributions to a diverse student body by "allow[ing] students of different races and backgrounds to rub shoulders, share meals, and debate issues in an open-minded, intellectual community"(Chin et al. 1994). At its core, affirmative action programs can "challenge harmful stereotypes" (Chin et al. 1994). Although the affirmative action program in *Bakke* included consideration of Asian-

Americans[22], Justice Powell relegated his consideration of Asian Americans to one footnote. Specifically, in a footnote discussing preferential admissions, Justice Powell notes that "the inclusion of [Asians] is especially curious in light of the substantial numbers of Asians admitted through the regular admissions process." Despite paving the way for the constitutional acceptance of affirmative action, Justice Powell's insignificant consideration of Asian Americans exemplifies his internalization of the myth of model minority, which holds a far greater consequence: instead of recognizing Asian Americans' request for help, "the public assumes that [Asian-Americans who have been historically discriminated against] are uniformly doing well" (Chin et al. 1994) that "delinks discrimination and injury/need" (C. Kim 2018), and ultimately allows to question the need for affirmative action at all as it works against not only the Caucasian Americans but also against other minority groups such as Asian Americans (as victims), which was evident in *Grutter* in twenty-five years later.

3.3.2 1980s-1990s: Discrimination against Asian Americans? And Passage of Proposition 209

Following the *Bakke* decision, the complicated connection between affirmative action and Asian Americans began to develop in the 1980s. In the mid-1980s, accusations of institutional discrimination against Asian Americans in higher education admissions policy were raised at some of the most elite universities in the nation, beginning at the University of California at Berkeley, and carrying on into Stanford, Harvard, Brown, Yale, and the University of California at Los Angeles (UCLA). The common pattern detected at these institutions was that though applications from

[22] See *Regents of the University of California v. Bakke*, 438 US 274-275 (1978). Under the special admissions program, applicants were asked if they considered themselves "economically or educationally disadvantaged." Additionally, applicants were asked to indicate if they considered themselves "members of a 'minority group,' which the medical school [listed as either] 'Black people,' 'Chicanos,' 'Asians,' and 'American Indians.'" In contrast to meeting a grade point average requirement in the general admission program, applicants under the special admissions program did not have to meet such requirement. Applicants were then invited to interview and assigned a benchmark score by a special admissions committee. The committee would then recommend applicants for admission to the general admissions committee.

Asian American students were continuing to rise, the rate of admissions of Asian Americans had begun to fall. This was similar to the experience of Jewish Americans in the 1920s at places like Harvard, Yale, and Columbia University. Rapidly rising proportions of Jewish Americans at these schools led administrators to limit enrollments through thinly masked devices; Yale employed a system of alumni preference, Columbia used psychological testing, and Harvard implemented regional diversity quotas, since Jewish applications were predominantly from the northeast (Woo 1994). Charges that discriminatory quotas or "ceilings" were being placed on Asian American admissions began initially at Brown University in 1983, where the Asian American Students Association found that whereas Asian American applications had increased nearly nine-fold in the previous 8 years, admissions had only increased twofold. That same year, the East Coast Asian Student Union (ECASU) released a study which uncovered similar trends at 25 East Coast schools, and concluded that the high rejection rate of otherwise highly-qualified Asian American applicants was "the result of low personal ratings by admissions officers who considered that Asian American students were overrepresented and presumed that they had narrow career interests and passive personality" (US Commission on Civil Rights 1992). In 1984, an examination of enrollment data at UC-Berkeley found a dramatic decrease of 21% (231 students) in the admission level of Asian Americans between 1983 and 1984 (Wei 1993). An Asian American Task Force was quickly formed to more closely study this situation. Similar studies began at many of the nation's top colleges and universities. Universities were compelled to launch in-house investigations, state governments conducted studies, and finally federal investigations by the Office of Civil Rights in the US Department of Education, of admissions policies at Harvard and UCLA. In 1988, neoconservative politicians entered the debate, attempting to frame the issue within a broader questioning of affirmative action policies in education and other policy arenas. Then President Reagan endorsed the efforts of Asian American students, making statements opposing the use of Asian "quotas." National media, including the New York Times and the Washington Post, which had only recently

been focusing their reporting on the "model minority" phenomenon of exceptional educational attainment and performance of Asian Americans, seized upon the "discriminatory quota" issue during this period. These claims of discrimination against Asian Americans were based on allegations that universities maintained "ceilings" or "quotas" against Asian Americans—a practice that is different from that of affirmative action. As Kang (1996) explained, they involved "negative action," a phenomenon where Asian American applicants are disadvantaged or unfavorably treated in the admissions process in comparison to white applicants who are equally qualified. In other words, negative action takes place when an Asian American applicant would have been admitted had the individual been a white applicant, in comparison to another a white applicant and not any other applicant of color.

However, conservative and neoconservative groups effectively framed "negative action" against Asian Americans to be synonymous to "affirmative action" and as the "logical and inevitable outcome of preferences for 'other' minorities" (Takagi 1992 p. 9). In this way, they were able to strategically shift the discourse, characterizing Asian Americans as harmed by "unfair racial preferences" for black people and Latinos (Takagi 1992). This approach also allowed leaders who are against race-conscious affirmative action, who have been mostly white, to deflect accusations of their campaigns as racist by claiming concern for Asian Americans, a racialized minority group, presenting them as a central victim of the policy (Kidder 2006; Leong 2016; Poon and Segoshi 2018).

In 1990, after two years of investigation, Harvard was exonerated because discrepancies in admission rates could be attributed to differences in legacy and other special admissions considerations. UCLA was ordered to admit certain mathematics graduate students who had previously been denied admission, and UC Berkeley voluntarily apologized for restricting the admission of Asian Americans in favor of white applicants (C. Kim 2018; Takagi 1992). Although anti-Asian American discrimination is a legitimate concern given the findings of investigations in

the 1980s, it is important to understand such racist practices are distinctly different from affirmative action policies that advance racial equity (Poon 2009). Rather than viewing the Asian American admissions problem as being the result of "reverse or negative discrimination" caused by affirmative action, Asian activists viewed Asian ceilings as a separate phenomenon indicative of a specific climate of anti-Asian bias (Woo 1994). However, Takagi (1992) also notes that the neoconservative campus politics, especially among Asians with the constant influx of new immigrants in the backdrop, was problematic in sustaining affirmative action policies, hence leaving the Asian Americans without a solid consensus on the position towards the affirmative action. Instead, during this period, it is evident that Asian Americans were involuntarily inserted into the legal and political debates/discussions as a central victim of the policy (from being a "question mark" in *Bakke*) and were given options to actively take on either sides, in the 1996 election for example.

Aside to the focus on the institutional discrimination against Asian Americans in higher education admissions policy itself, the legality and technicality of the affirmative action continued to be further complicated and restricted in the 1980-90s. In 1996, Proposition 209, entitled the California Civil Rights Initiative, was passed with 54 percent of the vote in California. The initiative amended Article I of the California Constitution to prohibit affirmative action in public education as well as public contracting and employment. Opponents said it narrowed opportunities for women and minorities to succeed in the state. Supporters countered it simply created a system where individual ability was rewarded and allowing discrimination and preferential treatment based on race and sex is undesirable, unfair, and inefficient. The voting results showed that the Asian Americans held the median position for Proposition 209—between the greater opposition of black people and Latinos, on the one hand, and the greater support of white people, on the other (Cho and Cain 2001). Among Asian voters, 39% were in favor of Proposition 209 and 61% opposed. Then soon after in 1998, Washington (Initiative 200) followed next. Currently, nine states have passed

laws that prohibit affirmative action at public institutions. Of these, seven (Arizona, California, Idaho, Michigan, Nebraska, Oklahoma, and Washington) implemented the bans through voter-approved initiatives or referenda, and two banned the practice by executive decision (Florida) and legislative vote (New Hampshire)[23].

During the same period, the Court also upheld the voluntary use of affirmative action programs, but also ruled against preferential protection for minorities in layoffs and imposed a greater burden of proof to justify affirmative action. Further restrictions came in the early 1990s in cases involving contract set-aside programs for minorities. Although the Supreme Court earlier had sanctioned the use of race-conscious contracting programs to remedy past societal discrimination, the Court started imposing the burden of "strict scrutiny" first on local and state governments and later on the federal government. By moving from intermediate to strict scrutiny, the Court imposed a higher standard before affirmative action can be justified. The government must demonstrate that past governmental action contributed to the specific inequality in question, that there is a compelling government interest, and that the program is narrowly tailored to solve only the problem in the question. In the 1996 *Hopwood v. Texas*, the Court of Appeals for the Fifth Circuit placed similar limits on admissions programs in higher education, restricting the use of race only when it is necessary to remedy past discrimination by the school itself. Moreover, the court stated that promoting diversity is no longer a compelling state interest, thus making it more difficult to correct any racial imbalance in higher education (Scanlan 1996). While the courts have not outlawed all forms of affirmative action, its application has been severely limited.

The passage of Proposition 209 in 1996 and the conservative turn on the affirmative action in the 1980-90s widely spread the narrative of Asian Americans' victimhood of affirmative action,

[23] In 2008, a similar initiative was introduced on the ballot in Colorado and rejected after garnering 49 percent of the vote. In 2020, Idaho governor Brad Little has signed into law a bill that prohibits the consideration of race in hiring and admissions decisions at state-operated colleges and universities in the state. Idaho became the ninth state to ban race-sensitive admissions at state colleges and universities.

signaled the division within the Asian Americans, whether support or not support the race-conscious affirmative action, and played a key role in providing and shaping the status quo of the new wave of Asian immigrants. And this divergence became more visible and further solidified in the next two decades.

3.3.3 *Grutter v. Bollinger* (2003) and *Gratz v. Bollinger* (2003)

The ambivalence, and sometimes reluctance, on the part of Asian Americans to support affirmative action has been brewing for the past decade. The decisions of *Grutter* and *Gratz v. Bolinger* represented a defining moment for both the Supreme Court and Asian Americans in affirmative action debates.

Grutter involved a white female applicant, Barbara Grutter, who had been denied admission at the University of Michigan Law School. She sued the school in 1997 and claimed that the law school's race-conscious admissions policy, which had been modeled after the type Justice Powell had endorsed in *Bakke*, was unconstitutional. She argued that the race-conscious admissions policy violated the Equal Protection Clause of the 14th Amendment because a higher percentage of minority applicants were admitted than white applicants with similar test scores. The law school argued that the policy was needed to further a compelling interest in student body diversity, which required the enrollment of a "critical mass" of students of color, to help diminish the impact of stereotypes and racial marginalization. Further, the school argued, the admissions process met the narrow tailoring requirements of strict scrutiny because it was based on individualized consideration of every applicant. In a 5-4 majority opinion authored by Justice O'Connor, the Court in *Grutter* upheld the law school's policy as constitutional, concluding that the law school had a compelling interest in student body diversity and that the policy satisfied each of the requirements of "narrow tailoring."

The *Gratz* case involved another white female applicant, Jennifer Gratz, who had been denied undergraduate admission to the University of Michigan. She filed a separate lawsuit in 1997 to challenge the undergraduate admissions policy. The Court struck down the undergraduate admissions policy on the grounds that the policy's point system was not flexible enough to comply with the individualized consideration outlined in *Bakke*. The Office of Undergraduate Admissions restructured its admission's policy to include additional point values under a selection index that included a miscellaneous category that awarded an automatic 20 points for an applicant's "membership in an underrepresented racial or ethnic minority group."

Here we see the repetition of the "Asian question" which was first implied by Justice Powell in *Bakke*. In the eyes of the university, "underrepresented minorities" included only African Americans, Hispanics, and Native-Americans. Notably, Asian Americans were not considered deserving of the school's affirmative action programs and policies. Similarly, in *Grutter*, the Court dealt with an affirmative action program that championed a "longstanding commitment to 'one particular type of diversity,' that is, 'racial and ethnic diversity with special reference to the inclusion of students from groups which have been historically discriminated against, like African Americans, Hispanics and Native Americans." Through this commitment, the school sought to enroll a "critical mass of [underrepresented] minority students." Again, Asian Americans were not considered deserving of the school's affirmative action policies. The blatant miscalculation in failing to consider Asian Americans in affirmative action policies is alarming—this miscalculation can be attributed to the cloak of invisibility that all Asian Americans must unfortunately wear, which the myth of model minority regularly assumes that Asian Americans do not need affirmative action (Hing 2002). Therefore, Asian Americans, even as an ethnically diverse group, are automatically excluded without any analysis (Hing 2002; Wu and Wang 1996).

Indeed, rather than recognizing their cries for help, Asian Americans have instead been unjustly used to condemn and invalidate affirmative action. Specifically, US Supreme Court Justice

Clarence Thomas has used the misleading accomplishments of Asian Americans as a minority group to justify "opposition to affirmative action" (Gee 2004). Asian Americans, once considered as beneficiaries of affirmative action programs who "cast doubt on them from the inside", were now understood as "putative "victims" of the programs who cast doubt on them from the outside" in the 2000s (C. Kim 2018, p. 11).

At the same time, it is important to recognize Asian Americans were also active participants in *Grutter* and *Gratz* and took opposing stands on affirmative action. Compared to *Bakke*, where the Asian American Bar Association of the Greater Bay Area authored the only amicus brief submitted by an Asian American organization in defense of the policy, in *Grutter* and *Gratz*, the number of Asian American amicus briefs has proliferated.

On the one hand, the Asian American Legal Foundation (AALF), the same organization that filed the 2015 complaint against Harvard with the US Department of Education and the US Department of Justice, first submitted a brief against race-conscious affirmative action and urged the Court to end race-based admissions policies as it produces rather than alleviates racial discrimination. As stated in their mission statement, their goal is to protect and promote the civil rights of Asian Americans, in particular where, as here, Asian Americans are being discriminated against in the name of a purportedly benign purpose[24]. They argued that the "University's goal of diversity, however well-intentioned, should be pursued using means other than the dangerous proxy of race" (AALF *Grutter* Amicus Brief). On the other side, two Asian American organizations submitted briefs in support of the policy (i.e., National Asian Pacific American Legal Consortium et al., and the University of Michigan Asian Pacific American Law Students Association et al.). And broadly, their arguments claim that: 1) Asian Americans are not harmed by University of Michigan's affirmative action programs, and in fact, they benefit from a diverse student body, and 2) although

[24] AALF was founded to end discrimination against Chinese American students in the San Francisco, California public school system (*Ho v. San Francisco Unified School District* (1998)), discrimination that was also imposed for supposedly benign reasons (AALF). Further in-depth discussion of this organization will be included in Chapter 4.

they may not be the direct beneficiaries of the program and because the model minority myth hides Asian Americans' disadvantage relative to White people, Asian Americans should be treated by affirmative action programs as underrepresented minorities where appropriate, especially in employment and public contracting.

In the next two Fisher cases, a total of 177 amicus briefs were filed. Six organizations claiming to represent Asian American interests filed eight briefs in the two cases – four in favor and four against affirmative action—further signaling the deepened Asian Americans' diverging understanding (or interpretation) of affirmative action.

3.3.4 *Fisher v. University of Texas at Austin et al. (I and II)* (2013, 2016)

Fisher challenged the university's race-conscious policy on the grounds that it did not follow the parameters set forth by *Grutter*. In 2005, the university had revised its holistic admissions policy to consider race as one among many factors in admissions, after *Grutter* overruled a Fifth Circuit decision that had prevented the university from considering race since 1996 (*Hopwood v. Texas* 1996). Fisher argued that the university had reached an adequate level of racial and ethnic diversity through the Texas Top Ten Percent Plan (which Texas passed after *Hopwood*), so that the consideration of race as a factor in admissions decisions was unnecessary and thereby unconstitutional. The university, on the other hand, argued that it needed the race-conscious policy so that it could attain a more racially and ethnically diverse student body than it had been able to attain under the Top Ten Percent Plan.

In its review of the case, which it heard twice, the Court issued two separate decisions, one in 2013 (*Fisher I*) and another in 2016 (*Fisher II*). In its first decision in 2013, the Court sent the case back to the Fifth Circuit for further review, leaving in place the core principles that allowed for race-conscious policies. In its 2013 ruling, the Court clarified that the lower court had to conduct its independent determination of whether the race-conscious policy was narrowly tailored to obtain

the educational benefits of a diverse student body. The Court's decision also clarified the importance of considering workable "race-neutral" alternatives, stating that if a non-racial approach could promote diversity "about as well and at tolerable administrative expense," (p. 2420) then the university could not consider race directly. After reconsidering the case based on the Court's request, the Fifth Circuit in July 2014 concluded that the university's admissions policy met the Court's requirements, as clarified in *Grutter*. Fisher then appealed, arguing that the Fifth Circuit still had not applied the Court's requirements in past cases correctly. In 2015, the Court agreed to hear the case for a second time and part of the determination concerned whether the university would be allowed to complement the percent plan with a race-conscious holistic review process or whether the percent plan was deemed sufficient. In yet another victory for the university in 2016, the Court, in a 4-3 opinion authored by Justice Kennedy, affirmed the Fifth Circuit's ruling, upholding the constitutionality of the university's race-conscious admissions policy.

In both cases, Asian Americans again actively involved in defending both sides, in the forms of as organizations filing amicus briefs, and thus further solidified the divergence that has been set up since *Grutter* in 2003. For example, AALF repeated the central themes of their *Grutter* brief arguing against race-conscious affirmative action and the pro race-conscious affirmative action Asian American advocacy groups, such as American Legal Defense and Education Fund (AALDEF), again responded by arguing that Asians are "minorities" who benefit from and support race-conscious admissions too, and are not harmed by university's program. They argued race-conscious admissions is necessary to address the reality of systemic racism and segregation that impacts every aspect of minority lives and ensure meaningful access and opportunity for all communities, including Asian Americans. Eliminating such programs will do nothing to remedy any intentional or implicit bias against Asian American applicants, which views that they are natural high achievers, are not in need of any resources, support, or face inequities.

Interestingly, Justice Alito dissented in *Fisher II* and devoted significant attention to his point that the university invalidates its compelling interest claim by discriminating against Asian Americans. "How can a diverse student body contribute to the greater good," he seems to ask, "when Asian American diversity doesn't count?" In a footnote, Justice Alito elaborated on the ways that the university's race-based policy discriminates against Asian Americans and argued that in the school's view, with its focus on increasing the numbers of black and Latino students, "Asian Americans are not worth as much as Hispanics in promoting 'cross-racial understanding,' breaking down 'racial stereotypes,' and enabling students to 'better understand persons of different races'" (*Fisher II* 23). Taking his cue from AALF's brief, Justice Alito wastes little time before censuring the university for failing to explain "why the underrepresentation of Asian-American students in many classes justifies its plan, which discriminates against those students" (*Fisher II* 26). The university discriminates against Asian Americans, he argues, despite their being more racially isolated and lonely than "Hispanics." He is offended even by university's use of the term Asian American because it collapses the "backgrounds . . . ideas and experiences" of people belonging to various Asian ethnic groups (*Fisher II* 50-51). In short, the university does not care about Asian American people, Justice Alito implies, and effectively casts Asian Americans, yet once again, as the putative victims of affirmative action (C. Kim 2018).

Justice Thomas also argued against the university's admission policies, where an applicant's race would serve as a "meaningful factor" in the university's decision to admit. In a lengthy dissent, he argued that White people and Asian Americans are *injured parties* to the university's affirmative action policies. He further opined that white people and Asian American students are presumably far more prepared for school than their alleged affirmative action counterparts. Here, unlike Justice Alito, Justice Thomas internalizes the myth of model minority as a sword against affirmative action instead of recognizing the tremendous diversity of Asian Americans. The rhetoric used about Asian Americans in relation to affirmative action policies once again demonstrates the model minority

myth's intersection with the law. Since the model minority myth insulates any considerations that Asian Americans are in need of affirmative action, opponents of affirmative action are free to use to the model minority myth to invalidate affirmative action policies. Unfortunately, this illogical use of model minority myth erroneously assumes that racial diversity necessarily means that some groups must be disadvantaged (Gee 2004). And again, Asian Americans are casted as the alleged victims of affirmative action.

Justice Alito's repeated references to Asian students were perhaps a nod to two other cases working their way through federal court, although he did not mention them specifically. One case was filed against Harvard University (*SFFA v. Harvard*), accusing it of imposing strict caps on the number of incoming Asian American students while giving preferences to black, Hispanic, and white students who are less qualified. A similar case has been filed against University of North Carolina, claiming that the state school is still using outdated and illegal racial preferences in admissions. Although both orchestrated by Ed Blum, an influential white conservative activist working to roll back the race-conscious reforms of the civil rights era and end all race preferences, the *SFFA v. Harvard* case is especially noteworthy as this case rely on a group of high-achieving Asian Americans, rather than a white plaintiff, arguing that a policy meant to help students of color is burdening not just white people but other racial minorities as well (C. Kim 2018). Unlike earlier plaintiffs, including Fisher, whose GPA and SAT scores were not as strong as her peers, the Asian American plaintiffs in this case have academic records that are much harder to criticize. It is harder to point to Asians as victimizers of black people and Hispanics to justify the unequal treatment. The old argument of compensation-for-past-abuses does not apply to them, only to white people.

3.4 Ho v. SFUSD (1994)*: A Precursor of Anti-SCA-5 Movement?*

One oft-cited example of the "negative effects" of affirmative action on the Asian American community is San Francisco's Lowell High School. The elite magnet school has been the subject of

much debate precisely because of its effect on a community with a large Asian American population. To preserve its academic competitiveness, the school maintained stringent admission policies. Due to an anti-discrimination policy, implementing the policy required higher index scores from Chinese American students. In July 1994, several Chinese American students filed a lawsuit, *Ho v. San Francisco Unified School District*, in the US District Court for the Northern District of California, challenging Lowell's race-conscious admissions policies (Liu 1998).

The *Ho* lawsuit arose out of a 1983 consent decree intended to end de facto segregation in the school system, which spelled out a variety of measures intended to increase racial diversity. The consent decree designated nine racial and ethnic categories[25] and, among other things, prohibited "alternative schools" like Lowell from enrolling more than forty percent of their student body from any single racial or ethnic group. By the time the Ho lawsuit was filed, however, the consent decree had turned into what some called "affirmative action for white people" (Liu 1998). Due to changing demographics in the city of San Francisco[26], Lowell had been forced to continually raise its admission standards for Chinese American applicants to maintain the required forty percent cap[27] (Liu 1998). The controversial "racial caps" meant requiring varied index scores from applicants depending on their racial and ethnic backgrounds. To be admitted for the 1992-1993 academic year, Chinese students "had to score at least sixty-six (out of a sixty-nine point index); white, Japanese, Korean, Filipino, American Indian, and 'other non-White' students, fifty-nine; and black and Spanish-surnamed students, fifty-six" (Liu 1998, p. 343). Scores for admittance to Lowell, calculated from standardized test scores and middle school grade point averages, were higher for students of Chinese background. "Chinese Americans expressed their feelings of frustration and

[25] The nine designated racial and ethnic groups were as follows: Spanish-surnamed, Other White, Black, Chinese, Japanese, Korean, Filipino, American Indian, and Other Nonwhite.
[26] The Asian American population in San Francisco increased from 146,186 in 1980 to 207,155 in 1990, to 239,565 in 2000. This represented an increase from 21.5% of the population in 1980 to 28.6% in 1990 to 30.8% in 2000. The Chinese American population alone had increased from 82,480 to 127,140 to 152,620 in 1980, 1990, and 2000, respectively. San Francisco Population Tables, http://www.asianinc.org/sfPopTables.html.
[27] Students of Chinese descent had increased from 19.5% of the city's population in 1983, when the consent decree was signed, to nearly a third of the school age population in 1993 (Liu 1998, p. 343).

disillusionment at seeing their children excluded from schools because there were 'too many Chinese'" (Levine 2000). Students of Chinese descent had the lowest acceptance rate of any racial or ethnic group at Lowell. The school accepted only thirty-five percent of its Chinese American applicants while accepting sixty-five percent of white applicants, notwithstanding the fact that the accepted white students had lower entrance scores than accepted Chinese American students (Liu 1998).

The plaintiffs in the *Ho* case argued that the consent decree's mandate of racial distinctions could not survive the Equal Protection Clause of the 14th Amendment. By the time *Ho* was decided, the Supreme Court had laid down a "strict scrutiny" test for race-based classifications, requiring racial classifications to be narrowly tailored while serving a compelling government interest (e.g., *Adarand Constructors, Inc. v. Pena* (1995)). The case finally settled in last minute pre-trial negotiations in February 1999: the terms of the settlement provided instant relief for the *Ho* plaintiffs with a "preliminary injunction, which would remove the racial/ethnic guidelines immediately, and would govern assignment of students beginning with the 1999-2000 school year" (Levine 2000, p. 102). Among other things, the settlement also provided for termination of the consent decree no later than December 31, 2002, the immediate development of a new student assignment plan with input from both the *Ho* plaintiffs and the San Francisco NAACP, and a reevaluation of the plan in a few years once data was available (Levine 2000, p. 101).

This case is significant because of its seeming contradictions. The plaintiffs, Chinese American students, were attacking a consent decree designed to desegregate the schools as a remedy to the discrimination of the past. This historical discrimination included measures that negatively affected Asian Americans, such as separate "Mongolian" schools set up for Chinese children at the turn of the century (Gee 1997). Supporters of affirmative action found this case to be particularly difficult because the plaintiffs were minority students. The *Ho* plaintiffs found attorneys who took the case because they believed this situation seemed to "reflect the downside of

affirmative action policies that emphasized race and ethnicity to the exclusion of all else" (Levine 2000, p. 59).

Were Asian Americans, who had historically been considered second-class citizens, again being disadvantaged by the system set up to help them? Was it a sign that signaled the end of the need for affirmative action? This case split the Chinese American community, with the Chinese American Democratic Club (CADC) and AALF, which had led the *Ho* lawsuit on its inception, on one side and Chinese for American Action on the other. While both were Chinese American groups involved in advocating for civil rights for Asian Americans, their battle illustrates the split within the Asian American community, with most Asian American political leaders supporting affirmative action (Gee 2004). Although AALF was not directly involved in the anti-SCA5 movement, the organization worked as a separate arm pressing against race-conscious affirmative action and more closely with Asian American Coalition for Education (AACE) on the *SFFA v. Harvard* lawsuit.

In sum, the *Ho* case aptly illustrates the internal conflict faced by Asian Americans in the debate over affirmative action. And the same split is repeated in a far larger scale, in different forms of political participation and mobilization with new actors in play, in 2014.

3.5 Conclusion

The Asian American experience of affirmative action demonstrates that race makes a difference for Asian American individuals for different reasons, depending on the historical and sociopolitical context of the times. In the span of 40 some years, the model minority myth, invisibility of Asian Americans, oppressed minority frame, and the conservative turn in legal and political arenas in the 90 and 00s have shaped and influenced the affirmative action debates and brought Asian Americans from the periphery, or behind the scenes, to the heart of the discussion. It also has set the grounds for the newly naturalized and migrated Asian Americans to politically mobilize against reinstating affirmative action in 2014. In this chapter, we were able to see the

transformation of Asian Americans' position within the debates and discussions of affirmative action, from being a passive outlier/spoiler to the center of the discussion as key victims, and ultimately challenging the policy as an active agent, in which the status quo has been Proposition 209 for the newcomers, and are not direct beneficiaries of affirmative action. It is important to note that the newcomers, the post-1990 immigrant wave, do not share the same history, hence views on discrimination and US racial relations, and hold different racialization processes and immigrant trajectories than the earlier waves of immigrants, which lead to further solidified divergence in affirmative action debates.

Almost forty years after *Bakke*, stronger disagreement has emerged over affirmative action within the Asian American population. Opinion survey show that most Asian Americans still support affirmative action (Ramakrishnan 2014; Ramakrishnan and Wong 2018)—Asian American affirmative action supporters stress that we have not yet reached a strictly 'merit'-based, colorblind society, and discrimination still exists in both college admissions and employee hiring processes. They contend that as past beneficiaries of affirmative action, Asian Americans should not retreat from this legacy of the civil rights movement. However, there are also a growing number of Asian American voices who oppose race-conscious affirmative action; the support for affirmative action among Chinese Americans, who represent 23% of the Asian American population, has drastically declined from 78% in 2012 to 41% in 2016 (Ramakrishnan and Wong 2018). These recently emerged group of activists and community-based organizations stress the importance of hard work and individualism. They emphasize and stand proud of their heritage, yet critical of liberal and progressive political activism. They view affirmative action as a limitation on their chances for success. As such, they strongly believe that every individual should be judged on his or her merits alone, with no special preferences given for race or any other immutable characteristics. In the next chapter, I examine these oppositional voices of the newcomers more in-depth.

Chapter 4. SCA5 I: A Focus on Organizational Life and Political Incorporation of New Chinese Immigrants

4.1 Introduction

In 1996, California voters passed Proposition 209, a state constitutional amendment that barred public institutions, such as public universities and state agencies, from considering race, gender, or ethnicity in admissions, hiring, or contracting. Opponents said it narrowed opportunities for women and minorities to succeed in the state. Supporters countered it simply created a system where individual ability was rewarded and allowing discrimination and preferential treatment based on race and sex is undesirable, unfair, and inefficient. The voting results showed that the Asian Americans held the median position for Proposition 209—between the greater opposition of black people and Latinos, on the one hand, and the greater support of white people, on the other (Cho and Cain 2001). Among Asian voters, 39% were in favor of Proposition 209 and 61% opposed.

Fast-forwarding 18 years from the passage of Proposition 209, State Constitutional Amendment 5 (referred as SCA5 henceforth) was proposed to amend Article I, Section 31 of the California Constitution by removing "public education" from the list of areas where racial discrimination and preferences were prohibited and by removing state universities, colleges, and public schools from the definition of "state" actors who were prohibited from using race-based preferences. The measure would have removed all state law barriers to race-based admissions at the University of California, and other race-based programs in the California State University system and at all public primary and secondary schools (California Legislative Information). SCA5 was introduced in the California State Senate by Senator Ed Hernandez, with Senate co-authors Block, De Leon, Lara, Leno, and Steinberg. This was the third time Hernandez has sought to push the bill through the state legislature—his two previous attempts were approved by the Senate and the Assembly but were vetoed by then-Governor Arnold Schwarzenegger in 2010 and by Governor Jerry Brown in 2011. To take away any chance of another veto, Hernandez offered it as an

amendment to the state constitution. The measure had Assemblyman Bradford as a principal co-author, and Assemblyman Garcia as a co-author—all Democrats at a time when Democrats held a super-majority in both chambers of California Legislature (California Legislative Information). With this strong backing, the measure easily passed the Senate. Although the authors believed they had an easy road to passage in the Assembly as well, they encountered an unexpected roadblock and California Assembly Speaker John Perez and state Senator Ed Hernandez announced that they will hold off on moving forward with SCA 5 (LA Times).

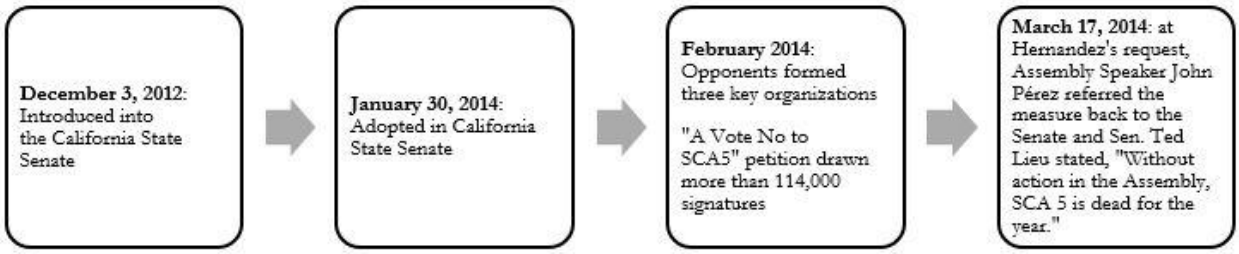

Figure 4.1 Timeline of SCA5

Progressive Asian American advocacy groups remained strong supporters of affirmative action. Many second- and third-wave Chinese immigrants who led these groups had participated directly in the civil rights movement, and they witnessed affirmative action as part of a centuries-long struggle for racial equality in America. They valued coalitions with black and Latino groups, and prior to 2014, these groups had largely held sway, serving as the leading voice of the Asian American community in the US politics.

But that was before SCA5 triggered a tidal wave of political mobilization by fourth-wave Chinese immigrants. In February 2014, the hosts of the shows in the local Chinese-language AM radio stations in the Bay Area, found a new obsession: affirmative action. Night and day, the hosts would be discussing the mechanics of affirmative action, Supreme Court precedents on the topic, and anti-Asian bias in college admissions. They invited guests, mostly conservative scholars, who

would lay into affirmative action as unjust and un-American. The interviews were held in English and immediately translated their questions and answers into Mandarin. This group—highly educated, Mandarin-speaking, and suburb-dwelling—saw the bill as a direct assault on their children's education prospects. Coalescing and coordinating both online and offline, they effectively mobilized and shocked progressive advocacy groups and elected politicians. Chinese American politics was in for a major change.

This chapter focuses on case studies of Chinese immigrant organizations—Silicon Valley Chinese Association, The Orange Club, and San Diego Asians Americans for Equality— in suburban areas in California that sprung out to wage a war against SCA5 in 2014. While much of the existing work on immigrations and civic engagement focuses on large, traditional gateway cities (e.g. Kasinitz 1992; Bloemraad 2006), Asian immigrants in the US increasingly settle in suburbs and destinations to new immigration (Lai 2011). Moreover, a smaller suburb provides an opportunity for a rich mapping of organizational and political structure. My main analysis draws on interview data collected in 2019 and 2020. Two to two and half hours of individual semi-structured interviews were conducted with a purposive sample of organizational leaders (ten interviews) in California. I then engaged in an open coding process focusing on the guiding research questions, seeking to identify commonalities and differences between affirmative action supporters and opponents. Informed by research on racial ideologies and frames (Bonilla-Silva 2015; Moses 2016; Warikoo 2016), I created axial codes to focus the analytical process on how participants' articulations of their experiences with immigration and immigrant adaptation, their racial ideologies and frames, and their perspectives on educational opportunity in the US contributed toward the perspectives on affirmative action. My sample is obviously not representative of all Chinese American adults, or even the fourth-wave immigrants. The interviews helped to understand the process and to establish the degree to which these Chinese immigrant organizations in California had political presence and weight in the minds of local decision makers and ultimately

successfully blocking SCA5. The purpose of the study is not to describe their opinions about affirmative action among this general population. Instead, it is to explain the process of connecting their personal interests to preferences on affirmative action and to analyze how attitudes about race and other values and ideologies—such as meritocracy, education, diversity—enter into these processes. Pushing this type of question is best achieved through intensive study of people, who vary on the key independent variable from their predecessors, personal trajectories and immigration pathways into US, rather than through a less in-depth study of a cross section of the entire country. Although my small sample size limits my ability to generalize from this sample to the broader population, but the value of this data is that this information provides a window on the way people interpret the political world and suggests areas of attention for future studies using survey data.

Much of the literature on civic and political participation among immigrants is focused on individual-level determinants and effects of participation. In this chapter, I examine the involvement at the organizational level. I am interested in whether civic activity of organizations translates into political incorporation. My conceptualization of political participation on the organizational relies on the customary individual measures, such as voting and running for office, and includes attendance at local government meetings, writing and circulation of letters to officials, participation in rallies, sponsorship of registration and get-out-the-vote drives, and contact with local officials, as all of those actions were present in their organizational activities and as part of a movement that successfully blocked SCA5.

Furthermore, in looking at the relationship between civic involvement and political incorporation of immigrants, I use the conceptual framework of visibility and influence developed by Ramakrishnan and Bloemraad (2008). This framework attempts to capture dimensions of organizational activity that are richer than more common measures, such as the number of members in an organization or the resources that it possesses, which are often unreliable or

missing in standard of US datasets of non-profit organizations. Two key concepts in this framework are presence and weight. I break down civic participation into civic presence and civic weight. Civic presence refers to the visibility of the organization among the general population and local media, an organization's network of connections to other organizations and its legitimacy, measured through its longevity and its official tax status. Civic weight measures the ability of an organization to influence resource flows to other organizations and lead collaborative projects, advancing its interests in the civic realm. Similarly, I break down the dependent variable, political incorporation of organizations, into political presence and political weight. Political presence describes the visibility of the organization among government officials, its connections to officials, its connections to other organizations for political activities and its perceived role in local government The concept of political weight refers to actual activities of organizations rather than perception of them, such as having their interests represented in the local government and influencing the flow of power, not just resources, to other organizations. In all, I find that although these organizations are newly established to fight against SCA5, they have and continue to gain more visibility for themselves, show high levels in the areas of civic and political presence and weight, and found effective to exert influence in the local politics and state policies as it was evident in 2014 against SCA5. I also find that although these organizations were initially formed to fight against one specific cause, SCA5, they are not short-lived and instead that have further established stronger grounds for works in different areas of interest, and continue to expand and exert influence until today.

The cases of SVCA, TOC, and SDAAFE support the connection between reactive formation and political action (Glazer and Moynihan 1963)—a connection that holds true despite the fact that the minority group in question has a higher socioeconomic status than the majority. My findings support that high levels of human capital are associated with political incorporation and supports current assimilation theories, which view human capital—and, thus, the trajectory of professional immigrants—in a positive light (Portes and Rumbaut 1996, 2001; Alba and Nee 2003).

4.2 Background

The newer Chinese immigrant population of the suburbs in California, mainly Santa Clara County, Orange County, and San Diego county, is composed of highly skilled Asians who are wealthier and more educated than their white neighbors, but whose organizations are only beginning to exert influence with the local political elites, starting in late 2013. These three regions, which are comprised of a fairly young foreign-born and naturalized citizen population with extremely high SES, were the key regions to mobilize against SCA5 in 2014 (See Table 4.1).

Table 4.1 Characteristics of persons of Chinese ancestry (foreign- and native-born) in Santa Clara County, Orange County, and San Diego county, California

	Santa Clara County	Orange County	San Diego County
Mean age	38.8	39.9	36.2
Median household income	$160,289	$96,952	$100,869
Percentage under 200% poverty level	3.8	10.6	5
Education (25+)			
Percentage less than high school or GED	6.7	7.3	8.9
Percentage high school diploma	6	7.3	8.2
Percentage some college	10.1	12.7	13.3
Percentage bachelor's degree	31.6	40.5	29.1
Percentage graduate or professional degree	45.6	32.2	39.8
Place of birth (18+)			
Percentage born in China	52.7	55.2	49.9
Percentage native	47.3	44.8	50.1
Citizenship status			
Percentage not citizens	49.8	50.5	52.6
Percentage naturalized citizens	50.2	49.5	47.4
Percentage speak English not well or not at all (18+)	37.4	37.2	34.2

Source: US Census Bureau (2018)

When these fourth-wave immigrants first became aware of SCA5, they had no existing organizations through which to mobilize. As a result, Silicon Valley Chinese Association (SVCA) in Santa Clara county, The Orange Club (TOC) in Orange County, and San Diego Asian Americans for Equality (SDAAFE) in San Diego county have been formed in early 2014 and later fully established as a 501(c)s and also as PACs—SDAAFE PAC, The Orange Club PAC. Before examining the formation of these organizations more in-depth and to effectively understand the shift—from left to leaning right on a political spectrum—under way, first breaking down the myth of a monolithic Chinese America is required.

4.2.1 The Four Waves of Chinese Immigration

In (white) America's popular imagination, most Chinese Americans are cast as direct descendants of a long-lost railroad worker who immigrated in the 1800s. But what to outsiders appears to be a homogenous ethnic identity is better understood as the cobbling together of four major waves of immigration. The people who made up those four waves are often separated by place of origin (Hong Kong, Taiwan, or mainland China), place of arrival in the US (Chinatown versus suburbs), language (Cantonese versus Mandarin), and income (blue versus white-collar). Taken together, these distinctions gave the numbers of each wave dramatically different entry points into the American narrative.

The first wave arrived in three decades following the Gold Rush of 1849, when over 100,000 laborers came to US shores in search of work harvesting gold or building the transcontinental railroad. Members of this first wave were almost entirely men, and they came from a small collection of counties in the southern province of Guangdong (known then as Canton), meaning they mostly spoke Toishanese, a dialect closer to Cantonese than Mandarin. This group was leaving a war-torn and famine-racked country and bore the brunt of xenophobic violence against Chinese immigrants. Many of them returned home after a few years of work, but those who stayed would

form the kernel of Chinatowns in San Francisco, Oakland, Los Angeles, and New York that last to this day. Following the Chinese Exclusion Act of 1882, new immigration came to a virtual halt. Over the ensuing decades, some men from the first wave were able to bring over spouses, and "paper sons" continued to arrive. But the total Chinese population in America declined during the sixty years of Chinese exclusion (Yung et al. 2006).

The second wave began following the repeal of the Chinese Exclusion Act in 1943, a move designed to symbolize unity between Chinese and Americans in the face of Japanese aggression. The repeal set a minuscule quota of just of 105 Chinese immigrants each year, but exceptions for war brides, political refugees after the Chinese Communist Party (CCP) seized power in 1949, and trained professionals led to far greater numbers of new arrivals. During the 1950s, the Chinese American population doubled to over 200,000 (US Census). These new arrivals stood apart from the first wave in that they were often far better educated, were from more diverse regions of China (often by way of Taiwan), and primarily spoke Mandarin rather than Cantonese. Some settled in urban Chinatowns, but others began branching out into the suburbs. As they took up positions as scientists, doctors, and engineers, they helped lay the groundwork for the myth that Chinese Americans formed a "model minority" (Yung et al. 2006).

A third wave got under way following the Immigration and Nationality Act of 1965, which ended the long-standing preference for immigrants from northern European countries and opened new immigration options for relatives of American citizens. That shift unlocked large-scale immigration by relatives of Chinese Americans: working-class residents of Hong Kong gravitated toward Chinatowns, and white-collar Taiwanese immigrants often went directly to the suburbs. Immigrants from mainland China remained scarce, as the country was largely sealed off from emigration under Mao's rule. Between 1960 and 1980, the population of Chinese Americans more than tripled to over 800,000 (US Census).

Mainland Chinese immigrants reentered the picture during the fourth wave. This wave began in the mid-1980s and saw large numbers of mainland Chinese (and Mandarin-speaking Taiwanese) enter the US as international graduate students or STEM professionals. Working-class, Cantonese-speaking immigrants continued to stream into the Chinatowns of New York and San Francisco, but this new crop of educational elites lived in a different world entirely. They mostly held H1-B visas, spoke Mandarin, often earned engineering or science PhDs from top universities, and settled into comfortable middle-class lives in the suburbs of California and big cities across the country. After 2008, this group received a new infusion of wealthy EB-5 investors, Silicon Valley programmers, and students in undergraduate or graduate programs.

It was not just that these distinct waves do not share a common background. They often wanted little to do with one another. For instance, Frank Shyong, a Taiwanese American journalist who has written extensively on Chinese life in LA for the *Los Angeles Times*, found many fourth-wave immigrants wanted to distance themselves from their predecessors. According to Shyong, "I would ask them about Chinatown and kind of get scoffs, they thought it was maybe historically interesting, but as something that represented Chinese people, they found it insufficient". As another example, Darlene Chiu Bryant came from Hong Kong as a baby during the second wave, and her parents ran a series of successful businesses in San Francisco Chinatown. Working as the executive director of ChinaSF, a public-private partnership tasked with bringing Chinese investment into the city, Darlene has often tried to connect fourth-wave mainland investors with the city's historic Chinese community. According to Darlene, "whenever I say, 'hey do you want to do something with Chinatown?', they say, 'no, I don't want to be associated with Chinatown. That's old-school China. I'm the new-China. We're more sophisticated, and if I'm going to invest in a Chinatown, I'm going to start a new Chinatown."

The divergent immigration journeys, accompanied by reginal, linguistic, educational, and class divides, shaped different political beliefs and ideas that were manifested through decades of

activism and political engagement. In this chapter, the focus is on the fourth wave immigrants as they were the key movers and shakers in stopping SCA5 in 2014.

4.3 Online Forums and Linking (Chinese) Identities with Action

The respondents connected identities and ideologies with political engagement by transforming personal experiences into political motivations and cultivating efficacy, skills, and networks for more aggressive and active political involvement against SCA5. The online forums and message boards, which are not so often political, were a common gateway for the respondents to initiate their political engagements prior to SCA5 in 2014. It was all American-(everyday) activities that pushed them into activism.

SVCA's co-founder, Chen, a fourth-wave immigrant, graduated with a master's in electrical engineering in a very prestigious university in China and he was soon recruited by a Silicon Valley firm that wanted his help designing microchips in California. Chen and his wife came to the US on an H-1B visa in 2006, unsure if they would make a home in America or return to China. But after having their first son in California and weathering the financial crisis, Alex felt sure they were to stay. One of his co-workers taught him how to fish, and he spent his free time on the water or hiking and skiing with his family. Many of his Chinese friends gathered online in forums organized around shared interests, and he became the administrator of the forum on fishing. Zhang, a co-founder and current vice president of SDAFFE, also shared a similar story on how the virtual space provided a sense of familiarity and comfort of being close to home by interacting with other fellow immigrants who held similar backgrounds:

> "Um, I started internet through BBS, forum? I started in early 1996, a lot of people there sharing and chatting, it's like Reddit. It's a platform and people go there, and it was started from the university back in China. I started to do that as well and I enjoyed it a lot and I was pretty active. When I came to US, there was a similar platform, again Chinese people, and it's called MITBBS. The founder was working/studying at MIT back then, hence the name, and now it became MITBBS.com. Before it was edu. People on here have similar

> histories, especially on how they moved or ended up in the US. Some are college alumni from universities back home or from universities here in the US. So there's this broad sense of group identity. And there are message boards, see, there are a lot of subsections for these boards—some are for shopping, say Amazon has this really good deal, on relationships, family matters, immigration advices, selling and buying things, and some on localities based on regions. There, I wanted to create one for San Diego, so I applied to be an administrator, or the board master, is that what you call it?, anyways for our message board. So there people started to share local stuffs--we talk about random things, there are some events, a good quality meat in Sprouts (laugh), and so on, I was one who started this particular board, and that was 2013."

These online forums were crucial in a way that it bridged the Chinese American communities with similar backgrounds to the broader US society (e.g. how to apply for fishing license, good deals on ski resorts, tips on purchasing a house, information on after school programs, immigration advices on how to apply for certain visas for family members overseas) which allowed the users to feel at once more Chinese and more American. And this dual empowerment helped and facilitated Chinese American into activism.

Then in 2013, prior to officially establishing non-profit organizations to fight against SCA5, the comment of "killing all the Chinese" – as a quick way to solve the problem of US government debts owed to China – was not taken lightly at all by the Chinese communities and elsewhere in the diaspora, even if it was made by a 5-year-old child guest at the "Kids Table" skit on Jimmy Kimmel's late night show. All of the respondents from the three organizations took part of this protest, whether it was signing the petitions and/or organizing protests in local areas, and utilized their already established networks in the online forums to not only to call out on Kimmel for using anti-Asian and xenophobic comment in the show but also to reflect on the problem of invisibility of Asians (especially Chinese in this case) and the need call for actions. Liao described the pervasiveness of hesitancy among the new Chinese immigrants to participate in politics:

> "First of all, it is really difficult to have Chinese immigrants or Chinese Americans to get involved in politics. Because of our culture and history, there's this trauma or something that holds us back from…something like an idea in our back of our minds thinking, if we

> talk about politics, our heads might get cut off, or I mean, that there will be consequences."

Zhang further commented on this incident:

> "The worst part is that Kimmel repeats the comment and laughs it away. And those shows are pre-recorded. It's not live. If it is aired live, then I can let it slide, I mean they are kids, but it is pre-recorded and they still decide to air it as is. And this is something wrong and I found it very offensive. So we started protesting, we organized through that San Diego local message board. That was first time we got involved really. Before, we didn't pay much attention, just minding our own business. Especially on political stuffs. As Asians, like me, are naturally don't like getting involved. You know what I mean? So, in November 2nd, 2013, we organized one event locally in San Diego, at the Balboa Park, handed out flyers, post messages on the message board telling people to call people into action, and then we went to Ranch 99 or HMart to hand these out to every Asians basically saying hey something's up and we need to do something about it."

Xu, co-founder of SDAFFEE, also explained:

> "If someone say let's just kill all Jews or African Americans, you will then get a major backlash or I'm pretty sure the tv show or the episode even wouldn't be aired at all. And since the subject or the target is Chinese Americans, and well since it's just Chinse, we can just air it. And we found that to be an interesting yet also very offensive idea and so we've decided to protest against it and that's the first time doing something about it. And by the end of 2013, and after we got Kimmel's apology, we figured our business was done so we all went back home, back to our normal lives."

Through the Jimmy Kimmel incident, the respondents exhibited potential interests in community involvement and political activism, further highlighting the importance of politicizing mechanisms to translate interest into action and belying the assumptions of Asian's inherent apathy or disinterest. It also provided an opportunity for them to critically evaluate racialization of Asian-ness (Chinese-ness) in popular media and quickly grasp the pervasiveness of anti-Asian racism or xenophobic sentiments in cultural discourses that often goes undetected or uncorrected, mainly permissible through the invisibility of Asians.

Then in February 2014, SCA5 started to pop up as California's hot topic in online forums and the news began to spread like wildfires through families, friends, and co-workers. Many of the

founders of these organizations heard the news via online BBS (Bulletin Board System) forums and Mei-Mei Huff, a Taiwanese immigrant and wife to then Republican California State Senate Minority Leader Bob Huff, via WeChat messages. The momentum generated from the protests against Kimmel and their heightened sense of urgency and the need to act carried over onto the issue of education, one of the key priority issues to them, and it created a perfect storm. It had pushed these groups of people straight back to activism. The newly created political efforts established an existing base, which were initially built through the various channels of online forums, that the anti-SCA5 organizers could quickly and effectively mobilize.

4.4. The Founding of New Organizations: SVCA, TOC, and SDAAFE

When fourth-wave immigrants first became aware of SCA5, they had no existing organizations through which to mobilize. Liao, co-founder of SVCA, teared up as he passionately explained to me how he first started to get involved:

> "I was a typical international student, finishing my degree, trying to get job and then a green card, and minding my business, but when I heard about SCA5 for the first time through a BBS online forum, I was really in tears. That's 5 years ago, so my boys were six and two by then. To me, the policy was really dangerous for everyone as not only it won't help the intended groups but also hurt everybody else. It will be disastrous and divisive, dividing everyone up. And I decided then that I don't want this kind of future for my kids or for anybody else who works extremely hard, and not just the students but also for hard working people like immigrants like me. SCA5, it really shook me, motivated me, and this became my number one priority."

Chen, as his friends suggested that given his position as administrator of the fishing online forum and with his magnetic personality he should take charge in organizing others to oppose the bill, and Liao, a science researcher who has a curious mind of a scientist and meticulous personality with extreme passion on the issue of affirmative action and SCA5, teamed up and decided to co-establish a new organization on February 15, 2014: the Silicon valley Chinese Association (SVCA) and later incorporated (SVCA Foundation) as a 501(c)(3) in April 2015. In the group's mission

statement, it pledged to improve the image and status of Chinese people, to support politicians who fought for their interests, and to "take action on critical issues" (SVCA). In the long term, this grand statement can hold various meanings. In the short term, it meant defeating SCA5.

Along the same time, the Orange Club grew out of a group of mostly Chinese-American mothers in Orange County who helped new immigrants navigate the school system and the community. When SCA5 emerged in January, several parents in the group began asking what they could do to stop it, Yang, who was among those who then founded The Orange Club. As a mother of two children, Yang described the competitive environment within the community:

> "Nobody knows for sure what played a role in the [admissions] decision making…but I think in general, race is a part of the equation. How significant, we don't know. We all understand for Asian kids you must do far better in every way in order to get into college compared to other races. That's something that I already feel that's not fair in a way."

Yang said she was familiar with racial struggle. She herself had to overcome a lot of challenges to become the vice president of engineering at a technology company dominated by white men. Schools, she added, should be the great equalizer, a place where your race or gender should not give you an advantage. "But affirmative action turned that notion on its head," she said. Of SCA5, she said, "I didn't think that the US could have such an unfair bill." The Orange Club's former president and currently acting president[28] and a father of two children, George Li also echoed the awakening sentiment of Asians' invisibility in politics, "we realized if we're not involved in this process, the political process in America, we would be forgotten." The group was later officially established as The Orange Club PAC on March 17, 2014.

Having experienced similar competitive environment with college admissions in San Diego, Xu, also as a parent, further explained:

[28] During that time, TOC's president, Benjamin Yu, was running for the State Assembly. He did not advance in the primary, but instead, he was
elected to the Orange County GOP Central Committee as a representative of Assembly District 68.

> "Our children already experience a lot of pressure you know because they have to work harder and harder and suffer exponential pressures including peer pressure, basically it's kind of Asian students have to compete against other Asian students. And that's not healthy as a community as well. But before 2014, the majority of this community would just accept as it is and try to work harder and try to break through this. Because this community already experienced the heavy pressure from the college admission for a while, if you ask any high school students, they would just take it as you know, I have to make a good grade or even do a much better job just to match the average grades of other students. This is a concept that nobody can deny, regardless of their party alignments, liberals or conservatives, and if you ask any Asian high school students, they will tell you that I have to work very hard. And I still have no or little opportunity to get into good schools. So it's already there. The perception is already there. And you know as an Asian, we are seen to be typically quiet, so even in the practice, the college admissions across the country has already started to discriminate against us, so we just accepted it and we tried to improve further on our ends by working extra harder through the system. This is the typical attitudes toward the education…And we had no idea how to influence the college admission procedures or even get involved in any way, because of our backgrounds. We think all of this are politics and we don't really want to get involved. But SCA5, that was something really triggered all of us. Basically we saw it as it will explicitly take protection out from the state constitution, removing gender and race from the equal protection list. So that means, even with the constitution, they have done a lot of discrimination, and what if they take those out? Then I'm afraid it will be even more serious. Because we cannot sue them anymore. I always say that any one thing that can unite the Asian parents, that is education. So it was easy to mobilize almost everybody. Doesn't matter if they are liberals or conservatives, and at that time the gap between the two wasn't so big than as it is now, so we united together easily."

SDAAFE was already in action full force in San Diego by February 2014 and was later fully established as 501(c)(4) in November, 2014[29].

The perspective that Asian students are already subtly being racially discriminated in the college admission process was widely held by the respondents and people in their communities. So was the sense of already heightened level of competition among the students[30]. SCA5 nudged these

[29] This was only delayed due to the co-founder's naturalization process.
[30] Few concerned parents warned that it was way worse for the Asian boys than the girls. On the issues of Asian masculinity and education will be discussed in Chapter 5.

concerned parents, who are mostly comprised of fourth wave immigrants who are new or have been indifferent to politics, into action with enormous level of dedication as it strongly signaled that once passed, there may be no more protections provided by the state constitution. Considering education as one of their top priority issue and having the fear of situation may get worse than it already is, the respondents and community members quickly and efficiently mobilized to defend their status quo[31], which is maintaining the Proposition 209, the way how things have been since they first came and settled in the US.

4.5 Arguments against the Skin Color Act 5

> "The SCA5 opens door to racial discrimination and is against the core value this great nation was built upon – equal opportunity for everyone, regardless of the color of your skin." –Alex Chen[32], First president of The Orange Club.

The debate over race in education centers on how much schools should try to control their racial makeup. At many elite universities and specialized high schools, black and Hispanic students are underrepresented, while Asian and white students are overrepresented relative to their overall population. All respondents expressed great concerns that if schools calibrate their student ratios around race, Asian students are most likely to lose out. Feeding the intensity such concerns was the idea that SCA5 would create an invisible cap on enrollment for each ethnicity, equivalent to that ethnicity's percentage of the state population. If such a policy were implemented, it would mean cutting the percentage of Asian American undergrads at a school like UC Berkeley from the current 40 percent to the 15 percent that matched the state's population breakdown. Although every respondents were fully aware of the fact that the US Supreme Court has specifically banned the implementation of "racial quotas," by simply allowing race to be considered as one of many other

[31] Majority of the respondents came to the US in the late 1990s or early 2000s and did not (or were not able to) vote on Proposition 209.
[32] He has same name as SVCA's Alex Chen and is not affiliated with SVCA.

factors (which SCA5 seeks to do) they agree it will ultimately lead to creating "implicit quotas" on Asian students. Chen, co-founder of SVCA, added:

> "There's a famous saying, if you walk like a duck and quack like a duck, you are a duck, right?"

The respondents further argued that the attempts of the initiators of SCA5 to drastically reduce the proportion of Asian enrollment was clear enough from their own words even if they did not use the word 'quota' directly:

> "See, for example, Senator Hernandez. He said 'California's public universities and colleges should have all tools at their disposal to ensure their campuses *reflect* the demographics of our state', and Senator Ricardo Lara said, 'We need to ensure that the students *reflect* our changing population.' If that's not some kind of 'quota', then I don't know."

In all, from increasing the proportion of the existing population of all ethnic groups, it was easy for them to see that Asians will be the biggest victims after the passage of SCA5. Xu described:

> "It's not like so called misinformation or misleading information generated by one side, because you know, I believe some critics would say 'okay, they are misleading us that there would be a quota when there is actually no quota.' It looks like a valid statement but if you think about, if you remove gender and race from constitution, how would you qualify a student? The intention is to remove, it is to favor some minority group over others. How would it favor that group? It would definitely give more opportunities to them and when they evaluate the effect or impact of affirmative action, and how do they evaluate it? They can simply say we only have 3% of black people in the UC system, so we need to improve that. That itself is a quota! This is not misinformation, and that's gonna be the way of it if they would approve SCA5."

The respondents also highlighted the issue of crumbling K-12 classrooms and argued for investing in early education and raising the academic standards "first before trying to fix it at the college entrance level" as one respondent lamented. Although the respondents did not memorize and stated the statistics right on the spot, the respondents supported their arguments by claiming that they are coming from a scientific point of view based on facts, and emailed and provided me with the sources after the interviews ended. Liao further explained:

> "I think race-based admissions hurt American competitiveness. The US secondary school "pipeline" is lagging behind other countries. In the PISA survey (Programme for International Student Assessment), I think the US ranked 30th in math and 23rd in science out of 65 countries. I came to the US because they are number one in education, especially in the higher education, and I was shocked to see how the quality of K-12 education is lagging behind many other developed countries. And if they want to continue to be at the top of post K-12 education leading institutes, then why would they want to drop the quality by admitting the students who are not prepared? I think it makes most sense to fix the problem at the earlier stage, rather than right before the finishing line. I'm not saying that this is the endpoint, I mean of course you need to graduate, you know what I mean. I will send you the details and sources on email, but one data from 2013, I think…I need to refresh my memory here, showed that only around 30% of all Hispanic 12th grade completed UC/CSU required A-G courses and out of those 75% got admitted, while 47% white people are eligible and only 50% of them got admitted[33]. But Hernandez still says that qualified high school graduates are being overlooked and ignored under Prop 209? What? Something doesn't add up here. SCA5 shifts attention away from the real problems in early education"

The respondents also equally voiced on how SCA5 is not well-designed to "really help those in need," and to do so, they support socioeconomic status-based affirmative action, which has been working well even without SCA5. Lu explained:

> "We are all good-minded people, law-abiding tax paying citizens, and we are not selfish. We just do not agree with the idea of race-based admissions as this is dividing everyone. It is simple as the students should be equally evaluated based on merits and extracurricular activities, and teacher's recommendations, interviews, and so on, but not race. And for the socioeconomically disadvantaged groups, we should help them. I respect the other side's argument and admire their good will, but I think that with SCA5, it is extremely difficult to target the exact group that really needs the boost and often instead ending up hurting everybody. It mostly ends up helping the minority elitist, who can actually afford their kids to get into good colleges even without AA in place. I mean socioeconomic considerations are working as UC/CSU ranked number one in diversity. Many students received Pell Grants, those who come from low income families, and many got admitted to these schools as first-generation college students."

[33] I received an email after the interview stating the sources of these numbers. This data was gathered from the California Department of Education, Data Reporting Office, and was used in the op-ed article: https://www.sacbee.com/opinion/op-ed/article2597778.html.

And regarding the holistic approach, Xu explained:

> "So if the holistic approach is working effectively against having the biases in the admissions, then why do we need to place race and gender into the consideration in the first place? So, why don't you take them out entirely and perhaps make the holistic approach more transparent and you know, less biased and without considering race and gender? That seems more natural to me. I don't think the holistic approach justifies the cause of SCA5 or is the right alternative. I kind of understand Harvard's right to pursue the diversity they want as a private institution, but I mean, of course they are biased against Asian kids. I just wish the message wasn't that we Asians are all so privileged and rich and buying their way into colleges through expensive preparation programs and private tutoring. And even for those who do so, it is their decision and they actively choose to do so and invest in education instead of buying a nicer car. And I wish that it didn't mean that our children's work didn't count in the same way as other kid's work."

In all, the SVCA, TOC, and SDAAFE's arguments against SCA5 are straightforward. They argue: 1) SCA5 is a flawed distraction that seeks to remove "all anti-discrimination safeguard in Proposition 209 regarding public education", 2) the school pipeline needs to be fixed at K-12 educational level first, and not at the point of college entrance, and 3) they are not against affirmative action in its entirety; they are only against race-based affirmative action and call for socioeconomic status-based affirmative action, which they believe it can far effectively target and help those who are in need. The respondents were confident with the ways they have settled in the US—broke through extreme competition in China, came to US because US is the best, showed strong work ethics and strived in school and work as a foreigner— solely based on merit. One respondent summarized their arguments more straightforwardly:

> "Let's say, okay, if they get into UC/CSU under race-based affirmative action, and some fail to graduate, then aren't you wasting spots for students who are more qualified and dedicated to their studies? And, I know this is a radical example but I think it gets my points crossed: Would you rather be treated by someone who is qualified from the beginning, or by someone who made it through affirmative action? Just the same as, wouldn't you want the best scorers, not a racially and population representing player in your team because there may be diversity playing some constructive roles too, if there was race-based affirmative action in sports? And why do only education sectors need to be diversified then?"

4.6 Strategic Planning

Although Chen and Liao had never taken civics classes previously or had a clear vision about how the California state government worked, the two leaders and their friends dove into learning the mechanics of state constitutional amendments and the local legislative process. "We are engineers and scientists, right?" Liao said, "The good part is we can learn extremely fast." The day after Chen and Liao founded SVCA, Liao himself drafted the petition at change.org, and it was successfully garnered more than 110,000 online signatures just in two weeks. He explained to me the workings of California's two legislative bodies, the history of affirmative action legislation in California, and the different ways you can amend the California's state constitution. When they began their research, they quickly learned that the best shot at blocking SCA5 would be in the California State Assembly, where it required a two-thirds supermajority to pass. Based on the party affiliations and public statements, they would likely need to flip two votes to stop the measure. Rather than solely relying on holding rallies and protests as they did in the Kimmel incident, the three fledgling organizations soon realized they should diversify their strategies (See Figure 4.2). Zhang explained:

> "Yes we did hold many rallies and protests. And although the online petition did not bring direct results to defeating SCA5, it was still very helpful in strengthening the momentum. But this time, we also started to collect hand signatures, write petitions using snail mails, call and email our concerns to the Assemblymen. As rightful constituents and taxpayers, we realized we had to exert influences and pressure state legislators in a different way this time. I think we collected fourteen hundred hand signatures in like a month in San Diego area? And then we presented it to the Assemblyman and to the State Senator, we also joined and actively participated in their townhall meetings and started to voice our disappointments against the Senators. And up to two months in, we've successfully tabled it."

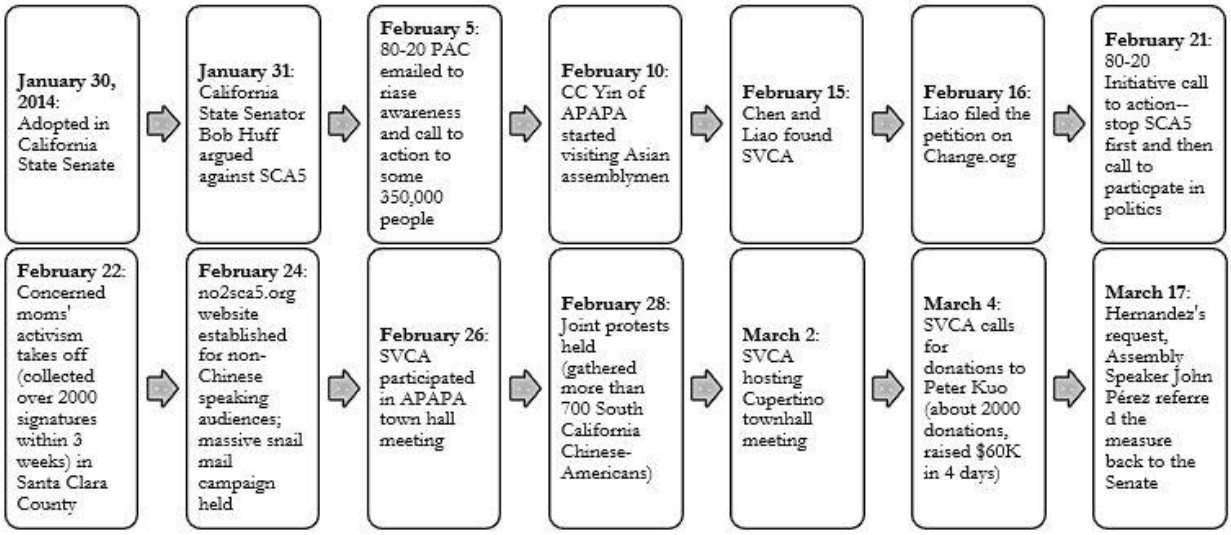

Figure 4.2 SVCA's Detailed Timeline of SCA5

In a short span of a month and half, SVCA, TOC, and SDAAFFE spent significant amount of efforts and resources to: 1) recruit volunteers and increase awareness of the issue via radio and online advertisements and social media, 2) drafting a list of contact information of the officials with a detailed information on how to have a conversation on the phone if calling and how to draft a letter if mailing or emailing, 3) canvass door-to-door seeking donations, 4) collect hand and electronic signatures for the online petition, 5) encourage members to donate to potential candidates, to oust the incumbents in the upcoming election, who firmly opposed the bill (for example, they raised 2000 donations adding up to $60,000 for Peter Kuo in four days), 6) encourage people to attend every town hall meetings and actively participate in Q&As, and 7) provide the status of the bill and Assemblymen's stances on a daily basis on their websites and Facebook pages. Next to providing updates daily, the organization also provided a very detailed instruction on the organization's Facebook website when necessary. For example:

> "Urgent: Heard from Southern California office that Hernandez office is 'surprised' that they're not hearing more from the community. Maybe we can get everyone to call his office in the next two days (no one will answer on weekends) to express our opposition to SCA5. But try to be cordial and just give the basic message of "anti-

> discrimination" rather than saying "my kids won't be able to go to UC."" – March 6, 2014 SVCA Facebook

The organizations spent much time on creating online materials, flyers, handouts, visual aids, and YouTube videos, and brainstorming how to circulate information as quickly and as efficiently as possible. It included materials ranging from FAQ sheets on affirmative action to handouts (offered both online and offline) guiding how to effectively participate in certain political activities, such as drafting a petition. As this can be challenging for the first-generation immigrants, the respondents explained how important it was for them to carefully guide the newcomers into participating in the US politics and have them continue to engage in politics. Below is an example of translated guideline for writing the petitions from SDAAFE's website:

> "Act now, start now! What we can do now is to write to the California House of Representatives representing our district and go to their websites to write to them. Below is a list of Democratic state representatives that may be influenced. This list has been carefully screened. It is determined that the probability is relatively high and we will not let everyone waste their time. The most important thing is to let the other party understand that so many people value this issue. Simply express the meaning. And that's enough. Please use only the objective facts, and try not to add any personal subjective judgments. The title of the email should clearly and concisely express the content of the article, such as Please vote "NO" on SCA5!. In addition, if you are posting the article on the website, you can address the "other party" as your first name. When stating your own name anywhere else, it is best to use first name and last name, as this looks more formal and powerful. In addition to the easiest way to send an email, you can also call, fax, or participate in townhall meetings. More information to follow on the details of the townhall meetings."

The three organizations did not stop at focusing only in their local areas; they continue to exchange information and relay support to one another, by calling assembly members in different regions, districts, and participating in town hall meetings, rallies and protests in different regions. And the tie remains strong until now.

Having almost jeopardized their work and personal lives, the respondents highlighted how electrifying their experiences been like and how dedicated they were. All respondents had busy

lives, with full-time jobs and families and children to take care of, but they were extremely committed. And with their successful outcome in March 2014, the respondents and their organizational members felt assured that their political efficacies have increased and showed promising signs of increase in future political engagement. Liao described what it felt like to get involved:

> "We were nobody. It felt like starting a start-up. The atmosphere and people were all super energized. But now looking back, with Democrats controlling everything and both chambers and now knowing how difficult the battle is, and having only people like us or you call it, fresh-off-the-boat people who entirely devoted our energies and passion to challenging it, it feels like a suicide mission. Nobody would have expected us to win. But we did! And that's the beauty of the entire experience."

Xu also described his experience realizing how affirmative action debates runs deep in the US history and how they had to catch up and learn as they go in a short span of time:

> "Initially by then, we didn't really realize that this is such a sensitive topic and a debatable topic for a long time nationwide. We thought 'okay, this is not right, so we will need to influence it somehow'. We had to learn as we go and we were all in. And after we were in for one or two years, we realized 'wow this is a huge issue and everyone is like very deeply attached to either side and is a very emotional and sensitive issue for everybody. So we can't really say if we got into this topic at the right or the wrong time, but...there we were back then, and here we are still."

Given they were already extremely running short on time when they began mobilizing, the organizations' YouTube videos, flyers, and informational bits often provided dramatically boiled-down version of the race-based affirmative action debate: the ultimate fight between "dream versus SCA5" (SVCA YouTube). The narrative of "[American] dream or SCA5/affirmative action" was also common in my discussion with Zhao, President of Asian American Coalition for Education (AACE). Zhao explained his frustration with race-based affirmative action: "Do you know how many times we had to face our limitations and perpetual foreignness affected my ability to stand up for myself? Speaking of foreignness, for example, see I am frustrated with my pronunciation. If I had better pronunciation or had I been a native English speaker, I think I could make a much bigger impact on

the American society. I can work on everything else, ideas and writing, but the pronunciation is so hard to improve. And it's the very thing that signals and highlights my foreignness." Whenever he hears talk about relative privilege or white supremacy or all the advantages Asians have over other minorities, he considers his own childhood under the Cultural Revolution, his own path to the US and his struggles with learning the language and experiences with discrimination, and fails to see why the spoils of that work, the American Dream, could not possibly be achieved by anyone else.

The time pressure with a long to-do list for these organizations shows that there was a very little room for the organizations and their members to thoroughly learn and study the history of racial relations in the US and reflect on the issue more critically. And there were minimal exchanges with more established liberal Asian American organizations to facilitate their learning process.

4.6.1 WeChat

Known as China's 'super app,' with the combined messaging, social media, and mobile payment app, WeChat has over 1.1 billion users, the majority of whom are of Chinese heritage (Shao 2018). While WeChat functions as a dominant public space in China, the platform's Chinese user base within the diaspora, in addition to the dominance of Chinese-language posts, it is considered as a kind of digital ethnic media platform—one relatively opaque to non-Chinese and even many second-generation Chinese Americans not fluent in Mandarin. For instance, more than 80% of WeChat users in New York, Philadelphia, and San Francisco prefer using Chinese over English in their use of the app (Shao 2018). Like WeChat's American user base, the respondents and activists mobilizing against SCA5 often highlighted the convenience of the app. It is also important to highlight that the users rely on WeChat as their key communicating app because they find it

extremely convenient to contact their families and friends in both regions when they travel back and forth from China to US[34].

Although there has been previous research highlighting the negative aspects of WeChat as a platform that proliferates misinformation (e.g. Shao 2018), WeChat initially played a key role in spreading the issue of SCA5 in the first place because of the app's highly efficient 'group' tools, and it was the app that people relied on the most to communicate with one another, more than via iMessage or SMS. It allows users to create a group chat up to 500 members, so the quicker the news spread.

Xu and Liao described the groups' reliance on WeChat but also cautioned on the usage of app:

> "After we heard about SCA5 from Mei-Mei and we first used WeChat to reach everybody in the first place, it was a natural flow of interest and news because everybody that I knew were already connected via WeChat. There was no need to send SMS or iMessages individually."

> "You know, WeChat is a very good tool to mobilize people and spread information. However, it also stirs debates, ugly ones, and also sometimes, misinformation. Because it's a closed-group, unlike Facebook, it is easy to form a group that echoes each other's opinions. If one mentions different opinions from theirs, they may be forced out of the group. It's very typical to be a closed-group and because I realized that early on, I tried to manage my group as open as possible but it is WeChat so there's still stereotypes held by the outsiders against different WeChat groups. SDAAFE's WeChat group seems to be better at this at least, allowing the exchange of diverse opinions without any repercussions. And also because we are a formal organization, and I am worried about the Chinese government's censorship on the WeChat groups so for our daily communication, we do not rely on WeChat at all. We use emails, individual conference lines to conduct meetings. The business of the organization is completely held independently of WeChat group. We only use WeChat to spread information or provide announcements for events, like for bbqs and where to meet and who can carpool who and so forth. And because many Chinese Americans like me use WeChat, just like WhatsApp and Kakao Talk for Koreans, you know

[34] It is similar to KakaoTalk for Koreans and Koreans abroad, and Line for Japanese and Japanese abroad. They rarely use regular iMessage or SMS, as these are the number one messaging app for the groups. The convenience of these apps is further extended by allowing adding people with their IDs, rather than having to add international numbers.

> what I mean. It's easy for us to reach out to them, instead of having to send hundreds of separate messages via iMessage or SMS."

From the organizational perspective, they did not solely rely on WeChat for the reasons of 1) censorship, 2) inability to check the validity of the information spread in the groups, and 3) heavier reliance on other more 'opened' social media platforms to provide information and communicating with the members and participants and to run as official organizations. Unlike from Peter Liang's nationwide 2/20 rallies, which most of strategizing, debating tactics, and coordinating logistics were held via WeChat, WeChat did not play a pivotal role in the operations of the three organizations.

4.6.2 Support from Well-Established Asian American Organizations: 80-20 PAC and APAPA

Their grassroot organizational efforts were also supported and complemented by the efforts of more established organizations. I conducted two additional two-hours long semi-structured interviews individually with the leaders and officers of 80-20 Political Action Committee (80-20 PAC) and Asian Pacific Islander American Public Affairs Association (APAPA). It is important to highlight that the three respondents, Woo from 80-20 PAC and Wang from APAPA, hold slightly different profile and immigration trajectories compared to the other nine respondents. Woo and his parents fled the Chinese Communist Revolution in 1949 to Hong Kong and then came to the US when he was eighteen in 1955, and Wang, a 1.5 generation Taiwanese, came to the US in the 70s.

80-20 PAC was founded in 1998 and has over 700,000 supporters on its e-mail list. Xu described how the efforts of pressuring the state representatives came from both well-established Asian American organizations and grassroot organizations:

> "SVCA, TOC, and us we are grassroot organizations. And, 80-20 that's led by SB Woo and it has far longer history than ours and more experiences. Mr. Woo did a lot of work behind the scenes as he had connections with Californian politicians. Also APAPA, Mr. Yin. So they placed pressures on the Asian American politicians directly. So I

> think that helped a lot. I believe for every political movement is to worked through top to down and also from down and up. So during that period, we took charge in building the ground work and pressuring the representative bottom up-- such as collecting signatures and mobilizing the local communities and let local politicians know how seriously we are against SCA5. And from top down, it was Mr. Woo and Yin pressing the Senators and Assemblymen. It was a very successful and synergetic strategy."

S.B Woo, president of 80-20, said he and others in the group were surprised to hear that Asian politicians in California voted in favor of the amendment. By citing a 2009 study co-authored by Princeton sociologist Espenshade, he explained to me:

> "I was shocked to see how some Asian-Americans are so eager to become Americans that they are quite willing to deny their own heritage and deny their own people equal opportunity. I ran for the lieutenant governor of Delaware. Luckily I won in 1985, so that is how I started my political career. Physicists are capable of learning fast. So you learn here and there. And by experience, you learn to differentiate systematic discrimination from random discrimination. I believe glass ceilings and college admissions are systematic. Wen Ho Lee, I think that's different. But anyways, why would race-based affirmative action on college admissions require Asians to score 140 points more than white people, 270 points higher than Hispanics and 450 more points than black people? So when the news broke out on SCA5, a lot of Asian Americans, primarily Chinese Americans put demonstrations effectively, which was really great. But you know, street demonstration is very good in creating the news, but it is not so effective in overturning a legislature. So we, 80-20, figured we have to go in and do this job. So we started making connections with people who are doing demonstrations, provide them with some extra funding. And I got on the phone, and called every Assemblyman, including Ted Lieu. And, Ted Lieu was the first one to turn! So we used that as a momentum to strike down the others. See, when SCA5 was declared defeated, we immediately sent out another round of emails saying, Senator Yee and Assemblyman Fong was not cooperative at all during the process, so we need to punish them and reward the ones who were with us. Holding them accountable. And by end of the year, both were ousted."

About six days after the amendment passed in the California state Senate, Woo sent a call to action to some 350,000 people on the 80-20 email list. Most of his organization's anti-SCA5 supporters are Chinese Americans, but he said he also had support from Korean-, Vietnamese- and Indian-Americans. Asians make up about 14 percent of California's population, according to the 2010 US

Census. They are about 8 percent of the California Senate and Assembly as well as the US House of Representatives. But because Asian-Americans represent 10 percent of California's voters, Woo was well aware of the fact that the gap between Asian voters and their representation is small. In short, State Senators Liu, Yee, and Lieu, who all voted in favor of SCA5 stated reservations about their votes after receiving a barrage of negative correspondence from constituents and organizational leaders like Woo.

On the other hand, APAPA, a pan-Asian nonpartisan organization founded in 2001 by immigrant and entrepreneur C.C. Yin that has now has over 10,000 members and 16 chapters across the US, also supported SVCA, TOC, and SDAAFE's efforts to defeat SCA5, but for slightly different reason. Wang, APAPA chair of Bay Area Chapter, explained to me:

> "The SCA5 had series of problems. I personally disagree with Proposition 209 as the playing field based on race is uneven. And not even within the equal socioeconomic statuses, race still plays a factor. Anyways, SCA5 only put race factor back into education, but not the other two areas, employment and government contracting, which Asian Americans can really benefit from. And I do understand that since Chinese Americans, Indo-Americans, and Korean Americans do particularly well in the academics and introducing race only in this area stirred a lot of opposition."

APAPA Bay Area Chapter hosted townhall meetings in Cupertino on March 2, 2014[35]. The townhall meeting was moderated by Wang and the four panelists were Bob Huff, State Senator, Lin-chi Wang, Past Chair, Ethnic Studies Department at UC Berkeley, David Lehrer, President of Community Advocates, and Henry Der, past Deputy Superintendent of California Department of Education. The turnout was enormous, both inside and outside of the building, as the video footages of the meeting available on YouTube showed. The respondents described that APAPA assisted them greatly, by pressing the local representatives and especially by hosting these townhall meetings as it provided them with a ground and opportunity to exchange different point of views. Though APAPA was only against SCA5 because race-based affirmative action did not expand further to employment and

[35] They held another one in Sacramento on March 10, 2014.

government contracting, against Peter Liang's case, however, their interests fully converged in 2015.

Although they have had good relationships with the both 80-20 and APAPA, the organizations felt they needed to establish their own due to the differences in political ideologies and values—in which the three organizations tend to lean more to the right compared to 80-20 and APAPA— and to consistently work on the issue of affirmative action and on other local issues. Xu explained:

> "Both organizations helped our grassroot efforts a lot. We were new so any advices and help were extremely valuable to us. APAPA has a local chapter here in San Diego, and we occasionally talk to each other. And before we started, we even considered to be a chapter for APAPA or 80-20. And we actually talked with them and you know Yin Yang and her husband from our organization volunteered for 80-20 during the early stage of SCA5. But we soon realized they have a lot of limitations because basically for 80-20, the majority of that organization is leaning Democratic and we felt concerned during that time to be aligned with the Democrats and fight against SCA5. So that's why we decided not to [join 80-20]. And for APAPA, we talked with them as well, but we figured out that we couldn't just fight against this one thing and just go back home. We later realized differences in our views and we needed to have an organization that works steadily on the issue of race-based affirmative action. So after we talked to both of the groups, we figured we needed a new organization that is politically focused and we don't want to be limited by 501C3 so we registered two organizations: one is 501C4 and another political action committee. So basically, we can swing our full potentials into the political arena. But still as activists, we still do have good relationships with both groups."

4.6.3 On Coalition Building Efforts

During their fights against SCA5, the organizations' coalition building efforts were limited. Mainly due to the short timeframe and heightened sense of urgency, all three organizations naturally took off based on their already established networks of friends, fellow parents, and co-workers, and online networks via their websites, where a lot of contents were initially in Mandarin, online BBS, and WeChat. The organizations found it difficult to branch out to other Asian ethnic groups and form a pan-Asian coalitions from the beginning. Liao explained:

> "We did try to reach out to other Asian ethnic groups, but it was not as successful as I had hoped. But we did ultimately gained support from Asian Indian and Korean American groups. The way of communicating perhaps was limited, as it was convenient for us to speak and discuss in Mandarin, but later we have reached out to a broader audience as well translating everything to English. One of the members also created an English website, and our Facebook posts are almost in English. And the timeframe was extremely short, as you already know, the way of communicating was very localized in the first place. You see how we have Chinese in our organization's name, we had a debate whether if we should have it as Asian Americans or not for a while, but we first decided to mobilize our Chinese community well, and we figured that would be enough. It was a novel work for us, and we had to come up with more a realistic goal at that point. And the crazy thing is that even though we are going strong for five years now, we still haven't reached out to all Chinese people yet."

Though with a broader title of the organization, TOC states in their mission statements that they aim to "advocate core principles, defend cultural establishments, and promote the Chinese-American identity," and to "positively impact the Chinese-American community through policy development, community education and active participation" (TOC website). They too believe in effectively mobilizing the Chinese communities first, but they are open to collaborations with other Asian ethnic groups as long as their interests, especially on the issue of race-based affirmative action, converge.

SDAFFE's focus is not directly laid on advancing Chinese Americans' interests but instead it is set on locality and remains inclusive of any (Asian American ethnic) groups that share same interests. Xu explained how their building coalition efforts involved around on the issue of affirmative action and considered the rest as an organic process:

> "For building coalitions with other minorities, it's mostly like we are doing it by accident. Because we have advisors, so although the board members are Chinese, we have advisors who are Filipino, Korean, and Japanese, and Vietnamese as well. And they invite me or us to be their advisor as well. So it's gradually expanding and we meet each other at multiple events so we are becoming more familiar with one another. So it's very loose form of coalition, probably when something happens, we can talk with each other and if we both agree on it, we can do something about it then but it is not like intentionally we are spending a lot of time in building or forging

> the coalition. And because the main driving focus of this organization is on the issue of race-based affirmative action, we proactively work together with other organizations to help advance our agenda. And yeah, I can see a bigger coalition forming on the proponents' side and also for the opponents' side, we also do have a coalition formed around it as well. So that's the way it is, I think. But on the other topics or issues, we don't really proactively find or seek for coalition partners nationwide, and we just focus on our work mostly locally and create partnerships as we go, just as how it happened with the SD county task force and Solutions for Change."

Given the short timeframe and advantages of established networks, the organizations had to make a decision and set a realistic goal, which was to focus on the mobilization of Chinese American communities first. The organizations do not have grand strategic planning to extend into a pan-Asian organization, and instead, aim to focus on their localities and Chinese communities. It is evident that they depart from the minority coalition framework, which has driven most liberal Asian American groups for the past fifty years. Yet on the issue of race-based affirmative action, the organizations are eager to form alliances with those who share same interests. One interesting point to highlight is that we often see the conflation of 'Chinese American' and 'Asian American' and being used interchangeability in their dramatic and often confrontational rhetoric used against race-based affirmative action. Despite they make small population within all Chinese American population, and Asian American population, it is often depicted as the discrimination against Chinese is equal (e.g. Jimmy Kimmel, Peter Liang, Andrew Yang[36]) to all discrimination against Asians, and it remains unclear if they view other forms or incidents of discrimination held against other Asian ethnic than Chinese also as an attack to Chinese Americans themselves and if they would claim to speak for all of them.

4.6 Looking Ahead: Post-SCA5

[36] Yang has been repeatedly left out of MSNBC and CNN on-screen graphics showing the Democratic line up; MSNBC once even misidentified him as John Yang.

With multiple new state assembly members pledging "no" votes, the bill was dead in the water. Less than a month after the mobilization began, State Senator Hernandez asked that the bill be withdrawn due to lack of support. It was a stunning turn of events, an almost instant victory for the newly minted organizations and activists.

The momentum of these organizations did not whether off after successfully blocking SCA5. Each organization have had similar but also different agendas based on their localities and continued to track and monitor the race-based affirmative action issue even after SCA5 was defeated. For instance, SVCA wrote an open letter to Assemblymen Atkins and Perez, and to Senators Steinberg and Hernandez to 1) raise questions regarding the earlier legislative process of SCA5 in the State Senate, 2) state clearly that Asian American communities have never been 'misinformed' about SCA5 and have never deployed any 'scare tactics,' 3) urge to establish a truly bipartisan committee—rather than a bicameral commission—to thoroughly investigate SCA5 in a transparent way, and 4) request open dialogues and public discussions on how to solve the real problems in California's public education system (SVCA website).

All three organizations spent much of their efforts in 1) holding voters education and registration drives regularly, 2) providing the voters with policy reviews, and 3) endorsing candidates who supports their interests. For example, they co-sponsored fundraising dinners and rallies endorsing Young Kim for State Assembly and Janet Nguyen for State Senate. In late 2014, TOC interviewed and endorsed four Republican candidates for the State Legislature who opposed affirmative action. They successfully enlisted dozens of volunteers to campaign for them and all four candidates, none of them incumbents, won. At the same time, involving 4000 supporters and 200 volunteers, SVCA endorsed Catherine Baker and other thirteen candidates, and in the General Election, thirteen of them won[37]. Liao explained:

[37] The successful candidates are: Catherine Baker, AD16: Tri-Valley; Chuck Page, AD28: Campbell-Saratoga; Young Kim, AD65: Fullerton; Ling-Ling Chang, AD55: Yorba Linda; Peter Kuo, SD10: Hywd-Fremont-Santa Clara; Janet Nguyen, SD34: Huntington Beach; (Re-elected) Barry Chang, Cupertino City Council; Yan Zhao, Saratoga City Council; (Re-elected) Emily

> "As an organization, we want to provide opportunities for our next generation to be involved and experiences to get familiarized with political processes and on different social and political issues. Overall, SCA5 created and generated high levels of political efficacy among people who participated and people who we worked with to organize and plan the fight against SCA5, and we would like for them to continue to participate. So we still often work together, SVCA, TOC, and SDAAFE, to create opportunities and chances for them even after SCA5."

SDAAFE also has endorsed candidates, Summer Stephan as San Diego district attorney for example, and launched various local projects. Xu further described various programs that SDAAFE organized:

> "Our mission is to get local involvement. And that's why we added San Diego in our name of the organization. So we don't actually limit to the issue of affirmative action only. Right now we work on multiple topics, such as public safety. Steve, our president, Alex, our vice president, they volunteer and serve as citizen review board of police practice. That's the board to review the cases in SD and if there has been any police shooting involved. And police shooting is another sensitive topic. There are 21 board members total now, and before then, there was no Asian at all on the board. Right now, there are two Asians serving and we are so proud of it. And we work on the homeless problem as well. And you know that is another sensitive topic in California. We are strategic partner with Solutions for Change and we are also organization member of SD county task force on homelessness. The reason we are strategic partners with them is because we agree with their idea how we should help and solve the homelessness problem. So their idea is based on 'if you are homeless, and if you want to get housed, you have to not be on drugs or addicted to alcohol.' And they even sign some sort of a contract after 1000 days they have to graduate and transit back to having a normal life as a proud taxpayer."

While actively involved in local politics and community outreach programs, SVCA, TOC, and SDAAFE continue to monitor and closely follow the race-based affirmative action debates. They built alliances and formed coalitions with organizations, such as Students for Fair Admissions (SFFA) and Asian American Coalition for Education (AACE). Regarding Ed Blum and the comments on "Ed Blum is using Asians," Zhang explained:

Lo, Saratoga City Council; Yang Shao, Fremont School Board; Yongjian Wu, Saratoga School Board; Peter Fung, El Camino Healthcare District Board; Kristen Pan Lyn, CUSD Board Member

> "So from looking back at the facts, SVCA, TOC and our organization, SDAAFE, were formed in 2014, and back then we had no idea about who Edward Blum was. And we just you know, it's naturally how we feel against it from our own discretions, and not from outside pressure, so you know, I wouldn't say Edward Blum can mobilize 1400 signatures, or more on online at change.org, in a month. So, it has to be the internal motivations of Asian parents that they can actually stand up against it. And again, Blum, we had no idea who he was, and it's just internally motivated battle that we got involved in the 2014 as our students, our next generation has already experienced quite high pressure when it comes to their academics and we felt like we needed to take measures to reduce it. And yes, later on, when he and SFFA sued Harvard, we got to know him a little better and supported their movement and hoping the court case to move all the way to the Supreme Court, just like any other big previous affirmative action lawsuits. You have your allies and opponents. We do not directly work with him or his group or AACE per se, but more in a way that maintaining good relationships and supporting their movement through making donations and co-signing their petitions."

SVCA has also donated $10,000 to SFFA, and have Chen currently serving as SFFA's board member. The three groups support their cause and follow the lawsuit closely. Xu also described SDAAFE's latest support for the fight against Washington's reinstatement of race-based admissions in 2019:

> "For the Washington state when they fought against I-1000 recently, we immediately picked up their fight as well and we started to collect donations and work on it roughly started about 9 months ago. The grassroot organizations reminded me of our experiences in 2014, and we think it was a huge success. We're so happy. And this is another example of coalition in action I would say."

In all, the momentum of SVCA, TOC, and SDAAFE remains still strong, and each have established greater civic and political presence and weight throughout the regions of Santa Clara County, Orange County, and San Diego County in the past six years. They continue to monitor and follow the race-based affirmative action debates and were again at the center stages of fighting against ACA5/Proposition 16, the constitutional amendment that will repeal Proposition 209 in its

entirety. Easily having passed both State Assembly and State Senate, the amendment appeared on this year's general election ballot in November and was ultimately defeated[38].

4.7 Conclusion

Online BBS (Bulletin Board System) and community forums provided a ground for fourth wave Chinese immigrants to exchange tips and advices topics, ranging from immigration, sports and to cars, and an environment for them to feel close to home, like small virtual Chinatowns based on regions. It was a gateway for them to participate and experience activism for the first time and the momentum generated from carried over and exploded onto the issue of education, SCA5.

Three new organizations have been established—SVCA, TOC, and SDAAFE—and their organizational efforts were mostly parents-driven, and their arguments' point of departure is laid on their status quo, post-prop 209. They viewed SCA5 as an invasion of their constitutional rights and held strong emphasis on work ethics, individualism, and meritocracy. They are not entirely against affirmative action; they support and believe socioeconomic-based affirmative action is more effective than those of race-based. However, a series of previous research have shown that socioeconomic-based affirmative action is unlikely to achieve economic equity in higher education and is unlikely to achieve racial equality compared to race-based affirmative action[39] (Bok 2000; Cancian 1998; Holzer and Neumark 2006; Malamud 1997; Sander 1997). For example, by using data from the National Longitudinal Survey of Youth, Cancian (1998) tried to stimulate the impact of moving away from a race-based admissions process to class-based affirmative action by examining whether racial and ethnic minorities would be eligible for a class-based program. She found that the class-based college admission process likely would bound the eligibility of racial and

[38] See Chapter 6 for further in-depth discussion on ACA5/Proposition 16.

[39] See Kahlenberg (1996) for a comprehensive discussion of the merits of class-based affirmative action. There is a continuous debate between the two different approaches to affirmative action to this day.

ethnic minorities and would not have similar results to race-based affirmative action. There also exists a difficulty of developing criteria by which to identify disadvantaged youths raising questions about the feasibility of a class-based approach. Aside to technical aspects, their support for class-based affirmative action raises the question of how they view race in general and its decisive role in their lives, which may hold a different story for other racial minorities and for those of earlier Chinese immigrants who already lived in US for multiple generations.

Strong sense of dedication and commitment was another factor that contributed to the success in defeating SCA5, and such outcome further enabled and provided more confidence for these activists and its members to continue to participate in politics. The organizational leaders and leading activists understood the importance of participating in the rulemaking process, other than just casting votes, and signaled a high level of political maturity where they can marshal forces statewide quickly and effectively, and deftly apply political pressure tactics.

Viewed through the weight and presence framework (Ramakrishnan and Bloemraad 2008), the evidence suggests that civic presence and weight among Chinese immigrants do translate into political presence and weight (See Table 4.2). The three organizations gained more visibility among general population and local and mainstream media after their success in blocking SCA5 and it has further generated connections with other organizations sharing similar interests, such as SFFA and AACE. They gained legitimacy from upstart by registering as non-profit organizations and PACs. They proved their abilities to advance their interests not only in SCA5 but also in the General Election of 2014 and in the subsequent elections, and the three organizations continue to work on the issue of education by holding bi-annual meetings and co-hosting various events. They are not only exclusive to Chinese communities and engage in different activities with various ethnic and racial groups. Furthermore, the SCA5 case proved their visibility among legislative officials and their continued efforts in voters education and endorsing certain candidates, ranging from representatives to district attorney, built stronger connections with their officials. One of the

leaders, Yu from TOC, ran for State Assembly and is now currently serving at the Orange County GOP Central Committee as a representative of Assembly District 68. In short, they are continuing to surmount the entry costs and obstacles to local politics and to make inroads into the power structure. The constituency itself is also that is too important to ignore anymore.

Table 4.2 Civic and political presence and weight among Chinese organizations in Santa Clara county, Orange County, and San Diego county, California*

	Definition	New Chinese immigrant organizations
Civic presence	Visibility among general population, mainstream media Connections with other organizations Legitimacy	Medium/High
Civic weight	Ability to advance interests Ability to control resource flow to other organizations Ability to shape projects involving other organizations	High/Medium
Political presence	Visibility among government officials Connections with officials Connections to other organizations in political activities	High/Medium
Political weight	Ability to have interests represented in government Ability to influence flow of power to other organizations	Medium/Medium

*Framework developed by Ramakrishnan and Bloemraad (2008).

The fourth wave immigrants hold a significantly different pathway to the US compared to previous waves—they had better access and opportunities to integrate into American society in important ways from the start. They were able to study at elite and flagship universities, live in the suburbs, and work at big companies outside of an ethnic enclave. They emphasize education as an 'equalizer' as they overcame an extremely competitive and poor upbringing through education and rose into the upper middle class solely based on merit. Most respondents were not direct beneficiaries of affirmative action policies and only know a very few beneficiaries in their circles.

The next chapter will examine the individual factors and drivers—immigration trajectory, personal history, views on race and racial relations, meritocracy, values, importance of education and diversity—and how such factors influenced and shaped these fourth wave immigrants' views against SCA5 and race-based affirmative action.

Chapter 5. SCA5 II: A Focus on Individual Drivers, Racial and Political Ideologies

5.1 Introduction

Asian Americans' low levels of political engagement pose puzzles by defying longstanding links between higher SES and political participation (Lien et al. 2004). Yet Asian Americans also wield influence as vocal participants in racialized issues such as affirmative action (Ramakrishnan 2014), raising questions about how and when their racial and political ideologies are activated for political engagement. The fourth-wave Chinese immigrants challenge the notion of Asian Americans' low political engagement and are especially vocal on the issue of affirmative action. Like previous chapter, this chapter departs from the idea that the political attitudes and behaviors of Asian-American subgroups differ greatly from each other and therefore, these subgroups must be examined separately in-depth. Using semi-structured interviews (19 interviews), this chapter examines social and cultural drivers, values, and racial ideologies that may shape and further inspire fourth-wave Chinese immigrants to oppose SCA5/race-based affirmative action. I argue the historical contexts of meritocracy and Cultural Revolution, and perspectives on competition in education are the respondents' main drivers that strongly shape and influence their views against race-based affirmative action in education. I also examine their racial ideologies and perceptions on discrimination, and how it further affects their views against race-based affirmative action. I find, while they acknowledge the presence of general and systematic racism and discrimination in the US especially held towards black people to some extent, they strongly support socioeconomic status-based affirmative action instead of race-based affirmative action in redressing such inequalities.

In the latter half of the chapter, I focus on content analyses of Reddit comment threads in the Asian American subreddits. I compare the drivers and perspectives of the fourth-wave Chinese immigrants with the ones held by the reddit users, who are most likely to be younger 1.5-2nd generation Asian Americans. This provides an interesting point of comparison as, although previous literature have robustly documented significance of immigrant generation in influencing policy

attitudes, civic engagement, and socioeconomic integration (Jimenez 2017; Kasinitz et al. 2008; Lee and Bean 2010; Lee and Zhou 2015; Portes and Rumbaut 2001; Tran 2018; Tran et al. 2018), whether young US-born Asians in particular will be more or less likely to support racial preferences for minorities is not straightforward. Contrary to the view that US-born Asians may be more supportive of race-based affirmative action, to address black–white inequality as it was historically designed and intended, because they have a more sophisticated understanding of the origins and legacy of black disadvantage than their Asian immigrant counterparts, I find comments were heavily leaning against the policy. Overall, I find overlaps in both groups' formations of the arguments against race-based affirmative action—with the emphasis on merit, education, equal opportunity, and expanded definition of diversity—and differences in the ways how they perceive racial positionality of Asians and interracial relations. The redditors, who are most likely to be 1.5-2nd generation young Asian Americans, viewed the current racial hierarchy on the intersectionality of race and sex, which the fourth-wave Chinese immigrants do not, and placed Asian males as most marginalized. On the other hand, the perpetual foreignness was profoundly highlighted for the fourth-wave Chinese immigrant respondents. Regarding the interracial/inter-minority relations, the redditors painted a pessimistic view in forming any coalitions, whereas the fourth-wave Chinese immigrant respondents mostly remained neutral or leaning towards cooperating with the white people only on the issue of affirmative action.

5.2 Chinese Historical Contexts, Extreme Competition, and Meritocracy

The respondents have similar trajectory and immigration path with one another. As fourth-wave Chinese immigrants, sixteen respondents (out of 19) came to the US after finishing their undergraduate studies in China to continue their graduate education or have been directly recruited by the US firms in the private sector in the late 90s or early 2000s. Every respondent explained or mentioned his or her experiences of growing up during the tumultuous times of

transiting from end of Cultural Revolution (ended in 1976) to the Reform and Opening-Up of the country in China. They all have personally experienced and made it through the extreme competition after the National College Entrance Examination (NCEE), or *gaokao*, was reintroduced, and entered prestigious institutions in China. The simplest explanation of why education is so valuable to this particular group is the personal experience of NCEE and its overriding social and cultural importance in higher education admissions. However, the value of education comes with a long history that lasted more than 1300 years deeply entrenched in the Chinese society.

Education has been regarded as a ladder of social ascendancy in China since ancient time. The most famous saying about "study" in China is from a poem in Song Dynasty (960-1279) by Wang Zhu, literarily translated as "The emperor values heroes, book can teach you (how to be). Everything else is low-grade, only study is above all." This poem has been considered as the golden rule in China for hundreds of years (Nee and Matthews 1996; Spence 2008). But what really made education so powerful and important in early Chinese society was the imperial civil service examination, which would select officials solely based on merit. The imperial civil service examination began in 605 AD in Sui Dynasty and lasted for 1300 years. Because it offered a social ladder, which often comes with more power, respect, and fortune, to anyone, and many successful stories encouraged generations of generations of youth in China to study hard, making it into a tradition. Although the imperial civil service examination has been abolished for 100 years, its influence on Chinese culture, education, people's behavior and thinking still deeply remains ingrained. Its successor, the NCEE was introduced as a *meritocratic* route to academic and social advancement in 1952, three years after the Communist People's Republic of China came into existence. Some fourteen years later, the exam was suspended, as a casualty of the Cultural Revolution, which saw the systematic closure of universities, and the marginalization and persecution of the country's intellectual elite over the course of a decade. Yet in 1977, the NCEE was reintroduced. Not only did it create extreme competition as it signaled the revival of opportunity

for millions of suppressed youths in China, meritocracy also especially functioned as a powerful ideology during their transition to a market economy. Meritocracy was again further embedded and reinforced into their society.

Dramatic changes that took place in 1978 in China have significance beyond the obvious implications of the Reform and Opening-up. More than 30 years of economic growth, with an annual average rate of 9.6% (Duckett 2001), was accompanied by enduring social problems, including sharply increasing inequality, and the creation of a more stratified social structure. The Chinese Communist Party, however, remained relatively secure in the regime, mainly through a transformed ideology that involved manipulating feelings of patriotism and rejuvenating traditional values and cultures that emphasized meritocracy (Duckett 2001; Spence 2008). With the NCEE in particular, higher education selection became an ideal vehicle for the Party to associate itself with the ideology of meritocracy. It represented a commitment to evaluating students based on their academic merit rather than their political affiliations, an investment in development of a qualified workforce, and an intent to foster economic development and modernization. Millions of people signed up to sit for the exam. Only 200,000 university seats were available in the year of 1977 (Duckett 2001; Huang 1993; Qin 1999).

NCEE performance has been demonstrated to be a consistently strong indicator of students' chances of getting accepted into elite universities. In this sense, the NCEE seemed to be a fair and meritocratic selection for elite opportunities. However, given a close association between parental education, demographic factors and the NCE performance shown previously, the selection system into elite universities might not be entirely based upon meritocratic principles. NCEE had already filtered out a substantial number of students whose parental educational level was relatively low and who were from rural areas and non-key secondary schools (Nee and Matthews 1996; Qin 1999).

Yet still, and despite its limitations, every summer the whole country holds NCEE with the same examination questions of the same subjects on the same three days. If one gets a higher score, he or she can go to college. If one fails to pass the examination, he or she must wait for a year to take the examination again or loses the chances of studying at a university. It has become social consensus of most of the high school graduates and their parents that getting into a prestigious university through NCEE is the way to upward social mobility.

Having themselves gone through extreme competitions and successfully admitted at prestigious universities prior migrating to the US, the 95% of the respondents recognize that it is impossible to have an equal starting point with having equal access to the resources, and that equal opportunities cannot automatically translate into equal outcomes. They argue life is not fair to begin with, and Chen further passionately explained:

> "There really can't be something like an equal or exactly the same starting point in any societies. But through the equal opportunity given, and I'm not saying SATs are without problems but this is the closest thing we have right now compared to the gaokao, we see education as an equalizer for the uneven starting point or some inequalities there may be. Of course it is not a panacea for all injustices. Here I think it's much better here in the US actually because you actually get evaluated upon other things too, like teacher's recommendations, extracurricular activities, GPAs. So it's not just testing by itself. I think those things combined allows to measure students' academic aptitude and potentials, and successful students are ultimately given the opportunity to climb the social ladder, and yes of course you need to excel in college too. And you see, some make it despite extremely difficult upbringing with good work ethic and discipline, whereas someone who's born with certain or even a ton of privileges don't make it far. So there can be no equal outcomes. Let's say you have two kids. Do you want the exactly same for both? And how do you do that? There are things that you can't engineer it to be exactly the same. And also the outcome, do you want them to be the exactly same when they grow up? I think that's what AA is trying to do, have equal outcomes, or numbers of students from each group by some social engineering. And why do you aim to fix problems of social injustice at this last point of students' academic journey before going to college? Why hasn't there been any interventions in the previous levels of education in mitigating inequalities? Anyways, back to meritocracy and my experiences…You see, it might sound very bland to call it as good work ethic and discipline, but trust me, it was tough. We've been

> through crazy level of competition. Imagine the long-term, short-term and some effects that we still don't even know that's there. It's been hard in the US too, to get visas sponsored by companies and stuffs like that, but anyways, we live in the US now, because at least I think they have better education system here and we all want something better for our children and there are more opportunities for them to thrive on the basis if they do well. And I don't want them to go through what I had to go through. And if they fail the test, or does not get admitted to good colleges, we would accept it as is had the opportunities been equal. And try to make our ends meet with whatever we have left with. I think that's just the way how it goes and it's supposed to be. Sounds brutal but only the best can proceed to next level, especially in academia, and we've seen it and we've been through that. Instead, AA displaces qualified people for less qualified people and worse it does nothing to advance minorities."

Although they recognize the fact that all aptitude tests are imperfect, access to resources differs for everybody, the respondents strongly perceive education as an equalizer to some inequalities, and while it cannot overcome everything, it is functional and is viewed as an avenue to middle, or upper-middle, class occupational status and upward. Based on their previous experiences and upbringing in a society that is strongly embedded in meritocracy, 85% of the respondents highlighted the values of self-help, individualism and work ethic and importance of merit in education. The example of the organization's effort to provide tutoring services for middle and high school kids in San Diego community and resources to battle addiction being met by low rate of black people's participation further reinforced their negative views of black people's work ethic while bolstered the importance of meritocracy. Moreover, they strongly argue, if interventions were to be made to address inequalities in education, it should be targeted at the K-12 level and not at the door of admissions to universities. However, it is important to note that there has been limited efforts made by the organizations to tie educational issues to racial injustices, and it remains questionable what other efforts will be made as organizations to and supporting the kinds of interventions they think would be more impactful than race-based affirmation in the future. As of now, it seems to be more of a rhetorical sidestep as the organizations' focus is heavily laid on stopping race-based affirmative action.

5.3 Education and Parents-driven Political Momentum

Comprised of mostly fourth-wave Chinese immigrant parents, who have themselves gone through extreme competitions deeply rooted in meritocracy before migrating to US, the organizational efforts against SCA5/race-based affirmative action revolved closely around on two things: parents and education. Xu explained why it was natural for their political mobilization to revolve around parents:

> "I did not see many young folks joining the cause at that moment because during 2014, we didn't really have a good structure or solid structure built yet [for the organization], so it was much like speaking to or talking to whoever we can reach out to, and parents always meet parents so it was natural for them to get connected and mobilize. And for the older generations, yes, say if I have my parents living with my family, I would be able to persuade them as well… I would say before they become parents, they are mostly to be, like once I was, struggling going through securing a job after getting a graduate degrees and navigating through their immigration statuses and processes. How they can get green cards and so forth and settle in US. That itself takes up so much energy and time. It's just typical and it's understandable that they don't have room to look up or look around to the community and see what kind of policies can influence their lives, or even participate at an event or anything. You are in the survival mode."

Liao further described how hard it is for the newly migrated Chinese Americans to participate in politics, mostly due to cultural differences and unfamiliarity with the technicality of politics, but the issue of education brought every parent in their friend/co-worker circles together:

> "First of all, it is really difficult to have Chinese immigrants or Chinese Americans to get involved in politics. Because of our culture, and history, if we talk about politics, we sort of automatically think or question whether if our heads might get cut off, or I mean, you know, if there will be consequences. You needed to be careful. Thankfully, now we have no fear anymore, after getting citizenships, but even people like us and when vote, we really didn't know whom to vote for, or same for the parties to reach out to us and hear out on our interests. So it was somewhat difficult to take interest in politics and its process in the beginning. But then comes the issue of education. And you know how it education is an important issue to us. Us parents, we're mostly all here because of education, whether it be graduate school or work, it's because we've made it through the competition in China to get good quality education in China and it ultimately opened up opportunities here in the US. It is a big part of

> our lives and we really value it. And AA was something that really questioned and challenged our deeply held value. This brought all the parents together."

A recent study showed that support for affirmative action differs significantly by immigration generation, with the first-generation Asians expressing the weakest support (Lee and Tran 2019). For the fourth-wave Chinese immigrants, their weakest support for affirmative action can be understood through their personal experiences and immigration trajectories that were primarily determined through education based on strict meritocracy. Education based on strict meritocracy was their path to academic, social advancements, and ultimately permanent settlement in the US.

5.4 Discrimination, Racial and Political Ideologies and Race-Based Affirmative Action

All respondents are originally from China where race-based affirmative action policies, or any policies that involves 'race', are nonexistent. Consequently, the fourth-wave Chinese immigrants may hold different racial ideologies, be less familiar with concepts of race applied in public policies if at all and thus less likely to support group-based preferences, especially in education. In this section, I focus on the respondents' perceptions of racial discrimination and racism, and how that may influence their opposition to race-based affirmative action.

When asked about racism and discrimination, all respondents acknowledged the general presence and problem of racism and racial discrimination in the US. This finding is consistent with previous research examining interest divergences between Asian American and white affirmative action opponents (Park and Liu 2014). However, the respondents' recognition of racism and discrimination did not wield influence on their opposition to affirmative action—even when asked as a policy redressing systemic racial inequalities. 95% of the respondents argued strongly against the policy. By describing her exchanges with a fellow parent and a PTA member, Lou explained on the issue of discrimination and racism:

> "Her kid is my boy's best friend. And I have a good relationship with the mom. She is half black half Japanese, and her husband is a white

> guy. So the kid would be one-fourth black. They are both T-mobile and Microsoft managers, which means they make a lot of money and their kids are going to the private schools from the beginning, which is perfectly fine in this free country. We would have some friendly arguments regarding affirmative action, and her main point was that these black people are brought here against their will. And then she moves on to the issue of discrimination. Well, talking about discrimination, in my defense, I came here with little money, almost nothing but my education which I had to earn through hard work not because I was rich or resourceful back in China, and I sense a lot of discrimination against me all the time. People yell at me to go back to China, make fun of my accented English, and sometimes I don't feel welcomed here at all, and it really affects you if it happens over and over. Also tell me all about the subtle forms of discrimination at the workplace. Tell me about the glass ceiling. I would argue that's systematic racism. You can't only say that black people face racism and discrimination. It's basically everywhere. They just say that us immigrants, they don't like Black people and are prejudiced against them. Well, I see the same going in both directions. And then, she says they've been historically unfairly treated. I do respect and understand the history and I don't mean to downplay any of that. I understand Black people got to the US first against their will, and I can see they've been historically unfairly treated for the longest against their will. And I guess it's easier for them to say we came here based on our will so our suffering is by our choice. That really doesn't justify all of this. We're basically blamed for our success. So the onus is on us because we came here with our own will? We've been through a lot too and honestly I don't see point in discussing who suffered most and who didn't. What I know for sure is all of this injustices and inequalities are not going to be solved by one policy. It's most likely to have a minimal effect at best and instead create this giant division among everybody."

Xu further explained:

> "I can tell that there must be some, and some deeply entrenched institutional discrimination specifically held against them, and I can see that the entire system is trying to bend to favor the you know, the white people. But again, I believe there's racism and discrimination in so many different forms, whether it be systematic or everyday at the individual level, for everybody, well except the white people. I don't want to be seen as whining oh I've experienced it too and so it doesn't matter for other minorities…and drop the list 'oh what about this then? What about that?' and so forth. It's not about whose list is longer. I mean I've been through a lot when I was trying to establish legal immigration status and secure my employment. Also at the workplace and yes the glass ceiling. AA isn't gonna solve the problem there. There are the subtle ones. The overtly big ones. Because I know I can't fight back as I would in my native tongue, there's this sense of self-defeat especially in fighting

> against these everyday ones targeted at me. You just keep pushing and move beyond it, most likely fight it against individually. I am not against the idea of addressing systematic inequalities. I think that is a wonderful thing. It's just I don't understand why try to do that with AA. Shouldn't there be more concerted effort intervening at multiple levels of education, and instead of having just one at the near the finishing line?
>
> I'll tell you what I've observed. So for homeless people, the black or Hispanic but mostly black people make up high percentages of homelessness in San Diego. When we go to Solutions for Change for our community work, basically they require no alcohol or drug addictions as a starting point and the percentage of black people who attends in the beginning is very low and lower for those who make it through the program. Mostly Hispanics or non-Hispanic white people make up the population of the Solutions for Change. Almost no black people there. And for the tutoring program, zero of them come frequently or at a regular basis at least. So that tells me something, you know, if we provide some ladder or assistance for them to help them move out of their dire situation, and if they're not there, then how are we to help them? We cannot help them by justifying their wrongdoing or giving handouts, that goes really against my values and AA is basically doing the same, without having any real true interventions from the beginning in all avenues possible. They turn blind eyes on every issues or points of inequality and expect AA to fix everything? If there are true changes being made in a nationwide scale, and then, maybe AA can really help at that stage those who really need it. Until before that happens, I don't buy the policy and instead, I think socioeconomic ones would be more suitable."

As evident from the two excerpts of the interviews, the majority of respondents argued 1) they understand the existence of systematic in equalities and injustices, 2) they are not against the idea of addressing those issues but are in problems with the means and methods of approaching it, and 3) yet they feel startled in a way that their experiences with racial discrimination or biases are being downplayed on the basis of their success.

Previous survey studies have indeed shown that Asian Americans tend to face much of their racial discrimination in institutional contexts (Bobo and Suh 1995). It is thus not surprising that Asian Americans who are white collar, highly educated, and highly paid are most likely to report discrimination in the workplace. And roughly 74% of the respondents stated and lamented that they are worried because they have made it into white collar professions, again through extreme

competition from home and having education as its main vehicle to success, it reinforces the model minority myth and creates a general view that they do not face any barriers or that they are shielded from any forms of racism or discrimination or that they do not suffer as much as other minority groups. An important implication of these anti-Asian experiences that they describe is that they challenge the idea that Asian Americans do not experience racism or are simply becoming "white." Not only do Asian Americans suffer from discrimination because of their socioeconomic success, but it is the more successful ones who have been hitting the infamous glass ceiling and reporting the most discrimination. This emphasizes the politically distinct position of Asian Americans in the racial order, which scholars have already insisted on arguing that "[y]ellow is emphatically neither white nor black" (Okihiro 1994, p. 34). It is also important to highlight the respondents' experiences of "race" and racial discrimination center on nativistic racism, often relying on the "blame the victim" reasoning, pointing to the group's supposed cultural distinctiveness, clannishness, and language/accents problems. Asian Americans are presumed to be foreigners, presumed not to be citizens or patriots, and not to speak English well, or know the "American" ways. As it is evident in the respondents' explanations, the notion of Asian Americans as both foreigners and model minorities come together in the form of the foreign competitor stereotype, and thus further solidifying their racial positionality as intermediaries.

The respondents repeatedly argued that they are not against the idea of redressing the long history of systematic inequalities and injustices, but they insist changes must be made at multi-level, especially in the educational system. This goes hand in hand with their arguments on how race-based affirmative action is not really assisting to close the gaps that was created by long history of slavery and inequalities produced by failing to effectively help those who are in need. Lou explained:

> "So back to my son's best friend. So if you are looking at the *only* racial component here, you're not really helping the people that really needs help within their kinds, but it's always the minority elitist benefits from it and especially those who can compete for the

> elite schools at the end. I apologize for being too straightforward but that kid with the parents both in the tech industry, will have no problem getting into college with or without AA. In education, affluent minorities who would have been accepted into college anyway. Less affluent minorities who otherwise wouldn't have been accepted into college are placed in colleges they can't perform and have higher dropout rates. So again, AA doesn't really provide an effective boost for those who really need and can benefit from. But at the same time, also students need to be prepared too in some way for college education, and that is why we call for changes in the K-12 pipeline…day one of college is too late and we see this across the board with the amount of remedial classes all students are taking because our schools are not preparing our children for college. So that must be fixed first and foremost, and in the meantime, AA based on SES can help the most people who actually need and can benefit from the help, in a most efficient way. Race-based AA as of now is just like a band-aid, that's never really gonna solve anything but dividing up people. So again, how are you going to account for those who share 1/8, 1/16, 1/32 bloodline of other minority group or black people? And how do you differentiate from the people who actually need help and who have options to take advantage of their mixed-racial heritage? Holistical review? And how do you know that that the officers won't be biased where we already know that Asian kids are biased to begin with? Something like, 'oh they only know how to study, they have boring personality'. Or even in the interviews, we get lower personality scores. By the way, those phrases really hurts me personally. It's even worse for the boys to beat that stereotype."

Chen briefly summarized his argument:

> "Just to bring back 'racial diversity' in class, that is socially engineered, and they argue that's going to help overcome systemic racial inequalities, giving a lower bar because someone is from a certain racial background is unjust and even sounds racist to me. It focuses on the 'race' while they want to get rid of racism. It in a way amplifies the idea that 'oh they got in because of their race not by their merit.'"

In addition to education, 56% of the respondents also explained how glass ceiling cannot really be solved with race-based affirmative action in employment. X. Wang explained:

> "You see there aren't many Asians, other than Asian Indians, holding a leadership position in the tech industry. But that really isn't going to be solved by affirmative action, by some increase in the number of underrepresented people to the companies. This is something that is deeply entrenched in work culture based on racial biases. A whole a lot of effort must be made within the company and its workers and the work environment. This takes a joint effort by everyone that

> works in the company, not simply fixed by one policy. If it just stops at hiring more POC, instead of having a whole do-over and rebuilding of the work cultures, it is going to create more noise than there already is."

On the areas of government contracting, 62% of the respondents remained skeptical of race-based affirmative action. Xu described:

> "At least from my perspective, yes right now, Asian American contractors are underrepresented. But I think it's just not right to lower the standards just to get them in. I encounter with many Asian businesses and they get more understandings of the requirements of government contracts through the time and experiences of working really hard to actually get it rather than being offered a contract just because. I mean yes it's hard competition with the ones that has deeper establishments but they need to understand and actually learn the rules by themselves to win the contract positions and so forth. So these can be improved throughout the years if they really want to compete with other contractors. So I am totally up for and would prefer any government programs or assistance that can actually help them to understand what the requirements and the procedures are like so they can be and help to level the ground. And help the ones who really wants to be helped. And I can tell you now that for the government grants, either county level or city level, the Asian Americans can get very a few of them as well. So I'm trying to understand it and try to pay more attention to it, and if we as an organization can get pitch in. So even if we fail, we don't call it or say it as we've failed because we've been discriminated against, and I'm sure we would pretty get it if we play by the rules. It's more a matter of time and effort and willpower if we want to keep pushing it for it."

Xu and other respondents emphasized how race-based affirmative action in government contracts also goes directly against their views on work ethic, self-discipline, and self-help. Instead of seeking for direct preferences, they argue in unison that they should work their ways up with the available resources, and in doing so, they are free from being judged as 'advancing by race.' These views support previous findings that Asian immigrants tend to hold more conservative social and political attitudes compared with US-born Asians (Wong et al. 2011).

On the other hand, some respondents were leaning more pessimistic than Xu and remained skeptical of the policy's effectiveness:

> "In business, minority owned businesses received preferential treatment in government contracts and all this does is drive up cost

> and it doesn't even trickle down to minorities as a whole. Business have learned to have a minority front man or woman that on paper makes it a minority business but the workers, the jobs, are the same population they always were. So I wonder if it really works or helps those who really need the help."

The respondents also spent heavily on discussing the definition of diversity. While they all value diversity and the effects of diversity on education and its environment, 88% of the respondents provided me with a broader definition of diversity and downplayed the importance of racial diversity. For instance, Zhang and Xiao explained:

> "When you just use race to talk about diversity, that's only skin-deep diversity and it doesn't go any deeper than that. It's basically saying Asian people think or do things exactly the same. Same goes for the black people, white people and Latinos. Coming from a 'seemingly' homogeneous country, China, we're very ethically diverse. There are language differences, religious differences, you name it. And yet, we are considered as same, under the one banner of 'Chinese' or 'Asian'? This is just ridiculous. Latinos and black people are ethnically diverse too—but they get plus points under the big 'racial' banner whereas we get points off under this big 'racial' banner, I don't see this being fair or just. It doesn't make sense. And if the 'racial diversity' is so important, then why doesn't it apply in entertainment business or in sports? Why is it okay for the fields like sports, music and entertainment industries to be based on merit and reflects zero racial diversity?"

> "I would value diversity as valuing different ideas or opinions. And you know, diversity of skin colors should be a natural consequence of diverse opinions, not the other way around. But even for diversity of opinions, we should still value certain values, some basic virtues, such as work ethics and respecting each other's differences in opinions and so forth as a common ground. These are the essential foundations of this country. Think about elementary school kids in schools. They always, you know, learn about how to be a good citizen, and you have to have responsibilities, self-discipline and encourage self-help, and all these sorts of stuff. We really value those and we insist on that. And right now, the diversity encouraged through race-based affirmative action seems to be something that's engineered, inorganic, and is being prioritized over everything else including the virtues that I strongly believe in."

The very fact that the majority of respondents hold conservative social and political attitudes may suggest the possibility of convergence with the white conservatives. Moreover, it is

evident that the two groups are actually joining forces in the battle against affirmative action as it is evident through the cases of SCA5 (although there has been minimal support from the Republican Party), *SFFA v. Harvard* lawsuit, fight against I-1000 in Washington state in 2019, and ACA5. For instance, many respondents expressed how it was much easier to canvass and get signatures from the white people rather than trying to persuade other minorities. Yet while a few respondents are completely on board with the white conservatives' side, Liao and 58% of the respondents described their positions more cautiously:

> "Although I do not agree with the conservatives 100%, I do see some overlaps and commonalities in our values, especially on work ethics, self-discipline, self-help, self-determination. We especially do not like government's handouts, as we came to US because we do not like communism or socialism. At the same time I recognize white supremacy and how the system is designed to keep the white people at the top. So I am fully aware of the downside of aligning with them completely. But when it comes to the issue of affirmative action, and regardless of all the sayings who's using whom and all that, our interests converge. We may object the policy with vast different reasons, and ours is the need to target the right group that needs help and fixing the problems at every levels. We need to put more into our educational system. I realize that preaching for work ethics and self-discipline has limits too; for example,
> the big problem is for kids who are born in toxic homes with no books, and then attend failed schools, with no role models in sight? How are they supposed to lift themselves up? There are programs that help, like home visitation, and they need to invest more in those areas early on, but the present approach of affirmative action doesn't work. And anyways, you form alliances with those that share such interests to advance them. That's politics. So far we're leaning more Republican as individuals but a lot of things are up in the air. I doubt they support funding for educational reform. It's a catch-22. All I know is that AA isn't gonna solve the problem. I don't know what whom we will vote for at the next year's election. And as organizations, we leave that as a personal decision, rather than an organization fully endorsing a certain candidate. You see we too are somewhat diverse when it comes to politics, and we want to keep it that way as it can divide us up too."

In sum, while the respondents acknowledges previous slavery induced inequalities, racism, and discrimination towards black people, they strongly argue for governments' intervention in spending and repairing the current K-12 educational system for affirmative action to work, and

until then, socioeconomic-based affirmative action would be more suitable. This, however, highlights a dilemma as neither party is fully on board with where they stand, and especially a tough ground for this newly formed small-sized political clout. And because most of the respondents hold shorter political experiences and as individuals they are navigating politics on a very narrow issue-basis rather than broadly entering politics by building or participating in a larger clout on broad and diverse issues, they are left in a political crossroad. It also remains unclear how they, as organizations, seek to contribute to the reform of K-12 educational system reform, and if calling for such a reform is a rhetorical sidestep.

In the next section, I examine the affirmative action debates online, on a social media platform called Reddit which is highly used by younger Americans.

5.5 Debates on Race-Based Affirmative Action Online

Asian Americans increasingly engage in online forums to disclose their experiences and opinions, and in doing so, take part in lengthy discussions that shape the views of their community. We then may ask, how are the race-based affirmative action debates played out in the virtual spaces that are not predominantly used by fourth-wave Chinese immigrants?

Although national survey data analysis provides greater generalizability and external validity, polling about affirmative action and racial issues is inherently difficult, and responses often differ rather widely based on question wording (Kopicki 2014). And the national surveys often include far too small sample size of Asian Americans to support reliable estimates. On those with greater Asian sample sizes also have shortcomings— it only uncovers descriptive accounts of Asians' attitudes of affirmative action, and it is rather difficult to delve into the social or psychological drivers that undergird their opinions. To grasp a better view on formation of opinions and drivers that shape his/her arguments against affirmative action, I analyze emergent narratives on affirmative action amongst Asian Americans on the social networking site, Reddit—one of the

largest and most frequented online community platforms. In the 2019 PEW survey[40], it was found that 22 percent of internet users aged 18 to 29 years, 14 percent of users aged 30 to 49 years used Reddit, and the reach of the social platform strongly declines with age. Also, whilst around a 15 percent of male adults in the US access Reddit, only 8 percent of women do the same (PEW). Reddit makes an interesting testing ground as the platform is used predominantly by younger online audiences who are most likely to be 1.5 or 2nd generation Asian Americans that has either gone through or about to apply to universities or colleges. And thus, the content analysis of Reddit comments can offer a different yet interesting vantage point that can be compared to those of fourth-wave Chinese immigrants, who are in different age groups and have never participated in college admission process as a US citizen.

As I find in previous chapter and previous sections, the fourth-wave Chinese immigrants hail from China that lack race-based affirmative action policies, and instead, have extremely competitive college entrance system in place. Consequently, they may be less familiar with and less likely to support group-based preferences than their US- born counterparts. Moreover, these immigrants have already secured employment mostly in private sectors without affirmative action. In addition, Asian immigrants hold more conservative social and political attitudes compared with US-born Asians (Wong et al. 2011). On the other hand, because US-born Asians are more likely to be gone (or preparing) through the college admissions, and employed (or will be) in racially diverse, professional organizations compared with their foreign-born counterparts, the former are more directly affected by education and/or workplace affirmative action policies. As a result, US-born Asians may be more likely to oppose polices that give preferences in admitting, hiring and promotion of other minority groups, who they may perceive as potential threats to their prospects for educational and occupational advancement. Hence, second and later-generation Asians may respond by suppressing their support for affirmative action as aggrieved victims alongside white

[40] https://www.pewresearch.org/internet/chart/who-uses-youtube-whatsapp-and-reddit/

people. Yet it is also possible that US-born Asians may be more supportive of race-based affirmative action because they have a more sophisticated understanding of the origins and legacy of black disadvantage than their Asian immigrant counterparts. Thus, US-born Asians—and especially third-and-higher–generation Asians—may be more likely to support affirmative action policies to address black–white inequality and most likely to support the policy as it was historically designed and intended. This analysis aims to examine the last two possible developments.

Any user (redditor) can create a community (subreddit) on nearly any topic, where they can share content in the form of text, links, and images. Content can be either upvoted or downvoted by any redditor. Participation in the narrative occurs in the form of comments on each subreddit thread. Each community is moderated independently by volunteer users. I searched for subreddits where Asian Americans mostly engaged in identity work (e.g. political, cultural, social, self-identity) and was able to narrow down to subreddits listed in Table 5.1.

Table 5.1 Subscriber Count of Popular AAPI Subreddits*

Count	Subreddits
45,920	r/asianparentstories
40,992	r/asianamerican
37,780	r/abcdesis
33,791	r/aznidentity
30,824	r/asianmasculinity
22,120	r/gaysian
21,842	r/hapas
9,298	r/asiantwox
2,477	r/asianamericanissues

*The numbers are counted as of June 2020

Of the top nine subreddits, two subreddits titled r/asianamerican and r/aznidentity included multiple threads discussing SCA5 and ACA5 resulting in aggregation of 255 comments. The two subreddits and their threads are not strictly leaning towards anti-(race based) affirmative action as there are multiple comment threads that exchanges both lines of the arguments. While some are

explicitly arguing at each other, there also exists the ones that are more civil and are actively trying to understand different points of views.

These comments were collected to understand the general framework with which redditors frame their attitudes toward SCA5/ACA5. More specifically, data can reveal many of the major arguments used against SCA5/ACA5 and how those arguments are racialized—whether if it indicates a reliance on colorblind racial ideology, or if there are any usages of individualistic meritocratic arguments, racial stereotypes and arguments based on ideas of qualification, zero-sum and reverse discrimination. These threads in subreddits are an ideal source of data as they serve as a means for individuals to express their opinions on sensitive issues that are typically avoided in public discourse. The online discussions give a sense of anonymity as people choose their own username or code name which may or may not be related to their actual name and is not associated to any identifying information. This sense of confidentiality allows for a more honest – sometimes hostile – response. While these usernames provide anonymity, they also prevent the collection of demographic information, making it difficult to determine how well this sample represents the general population. Their limitations notwithstanding, such as having low external validity, the comments on the threads provide a unique source of data representing various conversations taking place about racial inequality, affirmative action, and SCA5/ACA5 where respondents may be hesitant to openly reveal opinions related to racial politics outside of polls. Although it is impossible to filter only the comments written by Asian Americans solely, the comments are retrieved from subreddits that are highly used by Asian Americans and non-Asian redditors quite often state their race when writing their opinions. Overall, it can effectively reveal how public arguments against affirmative action are connected to dominant ideas about race and provide insight into how the movement to fight the passage of SCA5 (or ACA5) has been (or will be) successful in the midst of continuing racial inequality. Also, these general findings may provide an effective ground to examine further how strongly these general frameworks is reflected and shared (or not shared)

with the heavily fourth-wave Chinese Americans based anti-SCA5 or anti-race-based affirmative action organizations.

First, the comments were scraped from the dates posted in 2014 and 2020, which are the peak times of SCA5 and ACA5. Using NVivo, I filtered 188 comments (out of 255), coded, and performed thematic analysis. I excluded comments that are neutral and mainly consist informational materials (e.g. how to take action, which sites to check out, the current status of the bill) and trolling comments that were neither constructive nor useful for the analysis.

Interestingly, the majority of the comments (88%) lean against SCA5/ACA5/race-based affirmative action. The results highlighted five dominant themes in *opposition* to SCA5/ACA5/affirmative action: 1) recognition of already existing higher bar for the Asian students, 2) view that race-based affirmative action harms Asian students the most and is a racist policy, 3) importance of merit and too-narrow definition/applicability of 'diversity', 4) pessimistic view in forming coalitions with other minority groups or political parties, and 5) perspective that race-based affirmative action helps no one but white people. I find the first three themes closely resembling the arguments raised by the anti-SCA5 organizations in Chapter 4, while the last two themes were more dominantly held and asserted heavily only by the redditors in AAPI subreddits. Moreover, the sense of marginalization, held as minorities themselves and perceived by other people of color, was alarmingly high and often spills over to frustration with other underlying issues, such as Asian men being most marginalized and placed in the bottom of the racial hierarchy. This highlighted emphasis of such sociometry may be because the numbers of male users are generally higher than female users. Lastly, while the fourth-wave Chinese immigrant activists emphasized and supported socioeconomic-based affirmative action as an alternative, the redditors did not view or consider socioeconomic-based affirmative action as a viable option at all, and instead, often ended the comments or comment threads on calling for further self-determination (somehow make it through) or fully against any forms of affirmative action.

5.5.1 "The 'High' Bar Already Exists for Asian American Students"

The idea that Asian American students are held at a higher bar in the admission process, regardless of race-based affirmative action in effect, turned out to be prevalent in these subreddit communities as well. Roughly about 55% of the comments consisted of a view that reflects frustrations with the Asian model minority myth that often nullify their hard work, and directly state or imply that Asian students will lose out most heavily if race-based affirmative action takes place.

> *Chemicalsheepherder1*: FYI, Asians are considered a privileged class by others. Not by hard work…
>
> *Guitarhamster*:
> How admission officers look at SAT by race:
> White people- "This student worked hard so we will let him in"
> Black/Hispanic- "This student overcame poverty and being disadvantaged. and we definitely want him for diversity."
> Asians- "This kid must only know how to study and nothing else. He must have no personality. Probably parents forced him to do SAT tutoring for him to do so well. Reject."
>
> *Sorrynoreply*: The difference between equality and equity is fair vs same. To suggest college admission and scholarships should be skewed to help PoC (black people, Hispanics, and native Americans) and that Asians should be penalized is not only unequal, it's inequitable. How is it fair that Asians who spent countless hours studying and working hard in grade school have to compete against each other to get into college? That allows the real PoC to spend their free time playing partying, doing gang related activities, and playing sports. That allows them to spend their money on expensive clothing, get haircuts every 2 weeks, and drugs. We shouldn't strive to make things equitable when it comes to race. We should strive to make things equal. We should strive to treat everyone the same. When people are handed things, they take it for granted and abuse it. The argument that not everyone's home life is the same is on the family. They don't value education, that's on them. They want to waste money, that's on them.
>
> *Peking_Meerschaum*: Exactly this. Here in NYC the same argument is being waged in terms of the standardized high school admissions test. And here poverty can't even be used as an excuse, since Asian Americans living in NYC are also very poor and (unlike African Americans) often undocumented. The wealthy upper middle-class Asian trope falls flat if one walks around Flushing or Sunset Park. Yet even still they far exceed other minorities and white people in their

> academic performance. But to suggest one's culture has any positive or negative impact on one's performance is apparently a third rail for the SJWs*[41]. How else would they explain it? Genetics? That seems even more racist.

The last two comments are particularly interesting as it hints the attitudes about affirmative action are rooted in beliefs about merit, equality, and equal opportunity (Kluegel and Smith 1986), and the same embedded in the meritocratic ideal is laid on the assumption that access to opportunity is (should be) equal among all individuals and groups and that, consequently, inequality is the product of cultural or moral deficiencies (Bobo and Charles 2009).

5.5.2 "AA Harms Asian Students the Most and Is a Racist Policy"

In their attempts to justify their hard work and clarify their arguments against race-based affirmative action rather than simply claiming it as a racist policy, the redditors formulate their arguments against race-based affirmative action in a zero-sum game similar to the fourth-wave Chinese immigrant activists.

> *Uwu2420*: College admissions boards already do consider your socioeconomic background. Remember writing all those admissions essays? Remember filling out what level of education your parents had? There are even rankings of top high schools, and they do also take into account your high school's ranking, and your scores are considered in context of the opportunities you had available to you. It's inherently racist to think that someone needs a handicap just due to the color of their skin even when socioeconomic background is controlled for.
>
> *Two*: No one has ever said in the history of this debate that Asian American applicants are ever rejected based *solely* on his or her race. What does the proponents of AA think? That opponents of affirmative action think admissions offices are saying, "This one's Asian. Let's not look at her application. REJECTED." Of course not. The argument is that being Asian American, and therefore not of a race assisted either by affirmative action or socioeconomic privilege, puts Asian American students at a profound disadvantage. I hate how they always boil down this argument and rebuts a proposition is actually proffered by nobody. And no one has ever said that

[41] The acronym stands for 'social justice warrior'.

> Black/Latino applicants are receiving admission based solely on their race. Do you think opponents of affirmative action, again, think admissions offices are saying, "This one's Black. Let's not look at her application. ADMITTED." Again, of course not. The argument is rather that, if you want more of something, and current standards do not permit that quantity of it, then you must by definition lower the standards for that something, or raise the standards for everything else, which is exactly what affirmative action is.
>
> *(User Not Found[42])*: The simple fact of the matter is, by giving one race an advantage over others, you are disadvantaging those other races. The question is whether that advantage/disadvantage correction is warranted, not whether it happens. Because it does. It can't not happen. There are a *finite* number of admitted students; if you artificially increase the number of students from one group, you by definition must decrease the number of students from other groups. This is common sense.

The results highlight that the attitudes about affirmative action are also driven by self-interest. By situating affirmative action as a policy that is a zero-sum game, which intended to increase the number of individuals from disadvantaged and underrepresented groups, they generate more opposition because it invokes the notion of quotas, which Americans equate with predetermining outcomes, and therefore, deem unmeritocratic (Kinder and Sanders 1996; Sniderman and Carmines 1997).

5.5.3 "On Meritocracy and Diversity"

14 percent of the comment threads also spend heavily discussing 'merit' and the definition of 'diversity' to buttress their arguments against race-based affirmative action:

> *MyBad64*: Keep lowering the bar and colleges/universities will be high school level education. Meritocracy has its problems too but ignoring it is not gonna help anyone in a long run. A sane society would want to challenge and foster kids with academic aptitude rather than stifle them. And why are we so obsessed with the need to push 'racial' diversity only? It's not like all black people are homogenous, same goes for Latinos and Asians. SMH. Not to mention

[42] Although the username of the redditor is unknown, the comment still exists as part of the thread. I kept it as part of the analysis as the username is already based on anonymity which does not contain or reflect any personal identification information.

> that this is a racist quota system. But I guess racism is ok if it benefits you.
>
> *Ingennem*: That they call it equal opportunity is a form of doublespeak. What they really mean is equality of outcome, since they want the ability to force their desired racial mix to satisfy their definition of "diversity."
>
> *(User Not Found)*: Scrap AA. It's not developing students' competency nor diversity. Instead, fund programs aimed at early education, both experimental and those like head start that have shown to be effective. Also experiment with community level programs, both aimed at education and poverty in general, because there are issues with education rooted in culture. Asian kids aren't naturally smarter, they are just cultured to value learning from an earlier age. Pay elementary, middle, and high school teachers a lot more to create more competition and increase the quality yield of the teaching profession generally, especially in STEM. And at higher levels, instead of instantly shuttling students into systems they aren't prepared for, give more funding to lower tier systems like community colleges for things like teacher's assistants and tutors that will train them for and give them a path to higher-tier education. Merit is wrong on its own principles, but it is a metric for determining who will likely to succeed. And you can't counter that by just ignoring it. (and no, graduation rate is not a good metric.) All of this costs a lot of money, but is actually effective or at least would yield good data on how to develop our systems further[43].

Also, as the fourth-wave immigrant activists also used a hypothetical example of diversity and affirmative acting being applied to sports, the same example was used in the multiple comment threads:

> *Torontobblit*: Have you ever heard any social push from Asians or these dumb Liberals on how little effort is made to have Asian males and females to participate in Sports? Take the NBA for example, the next largest market and perhaps in the future is that of CHINA, the 2nd biggest market for the NBA in Asia is the Philippines, yet I have never seen anyone from any of my friends and or from the intelligencia how unfair and corrosive the absence of Asian representation in American sports as part of the American experience. What happened to the affirmative action in that regard? Where's the usual suspects that screams the loudest about injustices

[43] While emphasizing the concept of merit in education, a few comments offered alternative solutions, which received many upvotes in the discussion. Although few, these comments often directed the course of discussion in a more constructive way. However, as the new comments were being added constantly, the previous discussion of the alternative solutions stopped. I would argue that this is the nature (hence the limit of this analysis) of the Reddit threads are like branches of the tree—great at allowing multiple discussions held concurrently but not so great at pursuing deeper conversations.

> against minorities and calling for equality? I know we'd be laughed off as being absurd and deluded if Asians demand for equal access in sports because it'll be seen as arbitrary and not based on skills aka MERIT...AND RIGHTFULLY SO...but these same stupid morons can't seem to grasp this when it comes to academic competition. For the usual suspects their concept of equality becomes so narrow in scope and understanding that they don't care to stop, look, and listen to the shit their spewing.

The discussion does not stop at 'hypothetical' applicability of diversity in various fields but also affirms other subtle forms of racism against Asians, especially Asian males, reinforcing lack of athleticism among Asians. For instance:

> *Terranodon*: Sports aren't as meritocratic as you might think. There are factors like marketability applied. Remember the whole thing about Jeremy Lin being too slow? He was the second fastest at the combine. And then there's stereotypes and biases at play at the grassroots level - coaches who perceive a player, often not Asians, is better will get more attention and coaching which only snowballs in effect.

Again, the comments reconfirm that the attitudes about affirmative action are not only a response to group threat but are also rooted in beliefs about merit, equality, and equal opportunity (Kluegel and Smith 1986). It also questions the definition of 'diversity' and its applicability to different fields, other than education. The comments reflects the findings that some Americans believe that the US is a meritocracy and, by extension, endorse the belief that individuals should be rewarded on the basis of talent, effort, and performance regardless of group membership (Hing et al. 2002; Sniderman and Piazza 1993).

5.5.4 "Limits Exist in Coalition Forming with Other POCs and Political Parties"

About 29 percent of the comment threads display or hints a sense of defeat and hopelessness in the fight against SCA5/ACA5, or race-based affirmative action in general, and depicts low trust in both political parties and a bleak view on coalition building efforts.

The grim prospects of coalition building efforts are emphasized by the users' recognition of ambiguous (or situational) minority status of Asian Americans, often bolstered by the model minority myth. This supports Bobo and Hutchings's (1996) study, an extension of Herbert Blumer's group position theory (1958), which argues individuals who feel racially alienated are more likely to perceive threat from other racial minorities. Therefore, the shared circumstance of being targeted by discrimination may not act as a coalescing agent amongst racial minorities – quite the opposite – Black people, Asians and Latinos who think they have little power as a racial group are more likely to view one another as competitors for socioeconomic and political resources.

> *PasKiBum*: We're only POC if it benefits the other POC. I've said this a few times on the sub now. It's bogus.....still remember feeling slighted seeing only non-Asian diversity interns in my profession or only seeing non-Asian scholarships available during college. Just overcome that BS yourself and change the rules of the game when you're in charge of hiring, firing and giving out scholarships or on some college board. look our for the future of our ppl.
>
> *Asicount*: And we're said to be 'privileged' when it benefits some other agendas. We're basically screwed over on all ends.
>
> *Kungfufighter1112*: Sums up the Asian-American experience. Not white enough to be considered white, not 'oppressed' enough to be one with black and brown folks. Perpetual invisibility in both white and POC spaces.
>
> *Caelum52*: I posted this in an earlier thread, but unfortunately SCA5 or at least in different forms in the future, it is going to happen. That's the way the wind is blowing. Like someone else pointed out, white people find their way in, the "chosen" minorities get advantaged, and Asians are sacrificed. This is not just college admissions. I hope you all realize this is what has happened, is happening, and will happen in society at large.
>
> *Baiqi9*: Affirmative Action is legalized racism against Asians (thanks Democrats). I will say that until the day I die.
> *Volatility_smile*: While you're not wrong, the republicans are also for legalized racism against all minorities, so it's not even a dem / republican distinction.
>
> *Rrigby1*: SCA5 would overturn the ban on affirmative action *only* in regards to university admissions. But as far as I can tell, we've missed the very big and blatant red flag: Other minority groups have no intention of voting in solidarity with Asian Americans. Why do I

> say this? Because the original Prop 209 banned affirmative action in ALL state governmental institutions. If other minority groups were interested in voting in solidarity with Asian Americans, they wouldn't bother to target university admissions at all. They'd just overturn Prop 209 as a whole, they could make a simple quid-pro-quo exchange there easily. Asian Americans are definitely underrepresented in so many areas of society, and affirmative action could benefit Asian Americans if we look at it from a completely selfish point of view and ignore the moral objections. But the way that SCA5 is written to target just university admission should be a flashing red sign for all Asian Americans that other minority groups want Asians to compromise without giving anything in return.
>
> *(User Not Found)*: Again, we go back to the hypothetical situation of working with other minorities on future issues when there's no guarantee. Is there a contract laying around that other minorities and us sign ensuring that we if support SCA5 they'll return the favor for future issues? I guess the politicians will have some sort of agreement like that amongst themselves, but there's no stopping them changing their minds later on. Same goes for the minority groups. There's no guarantee and we need to be stopped being stepped on every single time, just because we stay quiet or have a smaller political clout.
>
> *Owlficus*: 2013 was nearly 10 years ago dudes, and 1995, 30 years. There needs to be an independent study- not one coming out of the schools themselves- such as those (more recent ones) quoted by anti Affirmers. Also, the discrimination against Asian students is now done via non-score metrics, like during the interview process (if they make it that far) and "personality considerations". No matter how you feel about the affects/effects of Affirmative Action it is discrimination. We need to make sure we don't throw ourselves under the bus while supporting other minorities. Asian discrimination counts.

The high level of distrust in forming coalitions with other minority groups is alarming; many of the comments carry the message on not agreeing to help the other minority group at the expense of his/her group. The politics and boundaries of 'us and them' is highly amplified with the prevalent perceptions and/or everyday experiences of how other minority groups are discriminatory against Asians (e.g. racial scripts that emphasizes foreignness, images of Asian geeks/nerds) and often such experiences reinforces the model minority myth and perpetual foreignness. As alternatives, a few comments offer two possibilities, either to side with white people or with nobody but themselves. However, these threads also often resulted in gridlocks in

the conversation and ends in disappointments with their self-realization of having smaller size of political clout and power compared to other racial groups. Moreover, Asian Americans are the only ones who consistently recognize that their lack of political power—their invisibility and unrecognized needs—is a major obstacle for them.

It is yet noteworthy how the discussions of Asian Americans' ambiguous minority status take a sharp turn into discussing further marginalization of Asian men. The comment thread below is an example that contains hyperbolic and hypothetical arguments yet highlights several underlying issues, such as desexualization of Asian men and their position at the bottom of the racial hierarchy, of the current affirmative action debates and generated big discussions (perhaps longest thread) on the comment threads.

> *Yankees4cookies*: Let's connect the dots:
> American government wants to cut the number of Chinese Students in American university because they think they are spies for the Chinese government.
> State legislators really want to pass this but know it looks bad at face value and would be difficult to convince others to support this. OMG Protest are happening all over the country and people are going crazy over injustice.
> Some white left-wing gay dude has an idea: WE NEED MORE BLACK PEOPLE.
> HIGH IQ WHITE THAT RUNS GOVERNMENT: YES DIVERSITY IS OUR STRENGTH but in reality he does not give a F about diversity and just uses that as an excuse in order to implement their original plan to reduce Chinese students in major US Universities.
> SOME random Asian guy objects: But that not fair since....
> Asian feminist, white liberals, boba Asian and other minority groups: SHUT UP. STOP BEING SO ANTI-BLACK. THIS IS NOT ABOUT YOU THIS MOMENT THIS IS TO HELP BLACK PEOPLE.
> Random Asian dude: I'm not against diversity all I'm saying is that.....
> Asian feminist married to white man: OMG this is why i never dated Asian guys they are so power hungry and don't care about anyone else but themselves. I can't tell you how many times i have witness anti-black behaviors from Asian men. they are the worst and biggest racist in the world.
>
> *Bdang9*: We are less important compared to African Americans, Latinos, Asian women, Muslims, and even the KGBTUVWXYZ. WMAF

> and XMAF[44] are considered the progressive symbols of racial integration and Asian feminism. You should refer "To All the Clowns" and "Toy Luck Club" to see what I'm talking about. Basically, we are considered "whiners" compared to the "400 year crew" or the "defiance of heterosexual norms crew"... This is why Jeremy Lin's situation rarely ever gets talked about in a supposedly progress avenue.
>
> *Caelum52*: To quote a previous discussion on Asian masculinity: The only short-term answer is to ally with MAGA types. Yea, this might not be comfortable for a lot of Asians and sure there are probably lots of racist white people that dislike Asians in that group too. But literally right now it's time for "the enemy of my enemy is my friend". We can't worry about the hurricane that may or may not hit when our house is on fire. We have to put the fire out first then worry about the hurricane. I hope what the post crystalizes that the main threat for us Asians and what we've managed to build for our communities and our futures in this country are under threat from leftists. We have to fight and deal with that first. Everyone is entitled to their own opinion. This wasn't a comfortable decision, but I decided that short-term my interests and the interest of my fellow Asians are aligned with Trump. I mean seriously think about what the alternative would mean for Asians.

In sum, the comments paint a very pessimistic picture on coalition building with other minority groups and yet also remain skeptical about forming an alliance with the white people as they recognize the white supremacy in place. Furthermore, the comments accurately pinpoints Asian Americans' racial positionality as intermediates, placed between the white people and other racial groups, which hints a possibility of closeted MAGA supporters or further displacements of Asians from participating in the politics, and thus, reinforcing the invisibility of Asians in US politics.

5.5.5 "AA Only Helps the White people in the End"

Lastly, 12% of the comments argued that affirmative action ultimately and only helps the white people. This argument was not commonly held by the fourth-wave Chinese immigrants, and it reflects the users hold a deeper understanding of structural view of inequality, which may be the results of generational differences and/or higher exposure to different racial groups, and

[44] These acronyms stand for 'white male Asian female' 'x-race male and Asian female'.

recognition of the fact that group-based inequalities reflect historic de jure and de facto discriminatory institutional policies and practices that continue to place some groups at a structural advantage over others (Bobo et al. 1997). However, in this case, the belief that group-based inequalities are structural in origin—rather than a result of individual cultural or moral deficiencies—does not get translated into greater support for affirmative action (Bobo et al. 1997; Bobo and Kluegel 1993).

> *(User Not Found)*: Say even if AA helps to somewhat overcome the structural inequalities that existed for so long for black people and other minorities, including some Asians as they say, I think the boost is minimal at best and only the white people benefit from it in the end of the day, and keeps them at the top (usually at the expense of less important minorities, like Asians, and keep the POC divided). So what's the point of supporting this in the first place? Is this even a good policy?
>
> *Itran96*: I'm going to speculate a bit from what me and my friends came up with; this bill isn't going to help anyone but the middle-high class Caucasians. If Asians have a so-called invisible quota, who are the next most attractive and qualified students? While some of the space freed up by less Asians would be taken by more minorities, most of it would be taken by people from an ethnic group that has more of a socio-economic advantage and more attractive candidates. So we would only see a slight increase in minorities, instead of the large increases that everyone is expecting.
>
> *(User Not Found)*: I'm against AA at least marginally. But it's more like taxes to me. Do I *like* paying taxes? Would I *like it* if my taxes were raised? No. Can I afford it? Yes. Is it going to people who need it? Yes. One of my biggest problems with AA is that it doesn't ask white people to shoulder *any* of the burden even though it is white people who gain most of the societal privilege. That's like raising taxes on the middle class while letting the higher tax brackets stay the same. Oh wait, I guess that already sort of happens.

Overall, while they share many similar arguments with the fourth-wave activists, the comment threads tend to be more critical in interracial relations and often spills over to other underlying issues, such as Asian masculinity and sociometry of Asian men in the current racial hierarchy. Also, due to the nature of anonymity in subreddit communities, as expected, the comments depict high

levels of animosity and hostility towards other racial groups and critical of the policy and the politics involved.

The majority of the users in the two subreddits build their arguments against affirmative action on self-interest and beliefs about merit, equality, and equal opportunity. They openly express the feelings of being violated and attacked on their ways of road to success, by their choice and good work ethics, in an environment that is already dominated by racial scripts of 'Asian nerds that lacks athleticism, personalities and other attributes, and further leaves them marginalized within the minority groups branding them as selfish or racists. This toxic sequence needs to be investigated further.

Furthermore, understanding well how they are underrepresented in politics and disappointed by the limited options to fight the uphill battle, the comments hint at the possibility of closeted Trump supporters and other layers of different ideologies in effect when they form their arguments against affirmative action. Lastly, although there were a few comments (12%) leaning pro-SCA5/ACA5 or affirmative action in general, they did not get much upvotes or replies in the comment thread, and most of them abruptly end the discussion by either side by deleting their previous comments or escalating into non-constructive exchanges. This underlines the gap between the supporters and opponents of affirmative action and is reflective of the deadlocks we see in the exchanges of discussions between the pro- and anti-SCA5 organizations.

5.6 Conclusion

This chapter set to examine the individual drivers and ideologies that shape fourth-wave Chinese immigrants' opposition to race-based affirmative action and compare with those more broadly held by younger 1.5-2nd generation of Asian Americans. While this is not a direct-comparison study of the two groups, it offers an interesting point of analysis focused on the formation of the arguments against affirmative action by two very different groups that varies on

several key factors such as age, nativity (born vs. naturalized), fluency in English language, and direct/indirect experience of college admission process (personally vs. indirectly through their children's experience).

For the fourth-wave Chinese immigrants, they strongly base their arguments against race-based affirmative action on the ideologies of good work ethic, self-help, and meritocracy. Also, while the respondents acknowledges previous slavery induced inequalities, racism, and discrimination towards black people, and to redress such inequalities they strongly argue for governments' intervention in spending and repairing the current K-12 educational system and for socioeconomic-based affirmative action.

Their roads from China to settling in the US has been significantly dominated by the values of education based on strict meritocracy and series of intense competitions (e.g. college entrance exam, getting admitted to graduate programs in the US, securing jobs through the system of highly competitive H1-B visas). Yet it is important to also acknowledge that the fundamental difficulty with endorsing the principles of a meritocratic society is that it creates an even more dysfunctional and polarized society (Liu 2011). The discourse of a meritocracy places individual responsibility at the heart of explanations for success and failure where unequal outcomes are considered as a consequence of personal shortcomings rather than the result of cultural, socio-economically institutionalized and structural racism and inequalities. If you underperform as a pupil, teacher or school the answer is simple: you have not worked hard enough or you are simply not very good. At its worst uninhibited support for a meritocracy encourages the impulse to deem those who are labelled as having less ability, or who are accused of having made less effort, as deserving of whatever happens to them. In other words, relying on the meritocracy narrative too heavily may come at a substantial expense—outcomes include the emergence of powerful forms of cultural conservatism and the dogma of isolation and retrenchment justified by the creation of moral panics aimed at 'the other'.

If merit-based equality of opportunity worked we might expect to find less significant differences between the educational achievements of children from different socio-economic and racial/ethnic backgrounds and cultures, and not the often very wide, long-term and structurally institutionalized inequalities that do exist. Why is it that students from what are acknowledged to be disadvantaged groups and environments are under-represented in universities and high-status occupations and over-represented in unemployment queues and in prisons; is this simply the result of a meritocratic society at work? Such outcomes are, of course, the inherent contradiction within meritocratic discourse: the hypothesis that educational opportunities for children are equal and that differences in outcomes are a product of individual failure rather than institutionalized, sociocultural and economic differences and inconsistencies. This is blatantly not true and there exists a meritocratic myth, promoting the idea that society distributes wealth and income, status, power and other resources on the basis of merit when it clearly does not; what actually happens is that "an individual's economic, social and cultural status and power is based largely upon where they started from," in other words, located in the current racial hierarchy (McNamee and Miller 2004, p. 13; Argy 2006). Moreover, Liu (2011) argues that in meritocracy, social status becomes intertwined with level of education. Colleges and universities are now the gatekeepers of class positions and access to them will determine future class status. Therefore, according to Liu, higher education should serve as an instrument to expand opportunity instead of being reduced to a "defensive necessity" (2011, p. 394).

Contrast to the research, data, and opinion polls that consistently continue to find that the majority of Asian Americans strongly support affirmative action, the majority of the comment threads in Asian American subreddits leaned against affirmative action and held similar arguments as the fourth-wave Chinese immigrants based on the values of meritocracy especially when it comes to academia. The subreddit users held a more complex understanding of the racial hierarchy, with the intersectionality on race and sex. They also held more complex Asian Americans'

positionality on the current status of US politics and acute realization of their limited political power and alliances, which highlights further marginalization of Asian Americans among the minorities. Their comment threads also highlighted racism and discrimination against Asians under the contexts of stereotypic representations, such as desexualization of Asian males and 'Asian nerds.' As this is not a representative sample of Asian Americans, more research in analyzing different social media outlets are needed.

While survey data analysis provides greater external validity, given the history of slavery in the US most understandings of "race" have been centered on the black American experience, and despite the major diversification of the US since 1965, surveys yet falls short including questions that directly taps into the experiences of Asian Americans. As such, the unique form of discrimination that Asian Americans experience—specifically along lines of citizenship—is not effectively captured by survey questions on "race" and racism generally. That is, survey researchers continue to assess Asian Americans based on stereotypes mostly associated with black Americans. These include stereotypes about intelligence, family, criminality, and cultural community patterns, and reinforces black people' stereotypes vis-à-vis Asians' success. Instead, as the results of this study suggest, Asian Americans' experiences should focus on immigration, citizenship, the glass ceiling, entrepreneurship, US relations with Asian countries. We need to understand the distinct, yet linked, ways in which Asian Americans experience "race" and examine their positions on affirmative action from there on. To do so, we must pay closer attention to global inequalities such as US relations with Asian nations, to stereotypic representations, and to the immigrant conditions under which Asian Americans struggle. In the absence of such understanding we will only continue the racialized divisions and vast inequalities that have plagued our society since the beginning. In the next chapter, I discuss two recent cases that closely resembles SCA5—I-1000 in Washington state and ACA5 in California—highlighting that the fourth-wave Chinese immigrants' fight against (race-based) affirmative action is still moving steady and strong.

Chapter 6. Beyond SCA5: *I-1000 in Washington (2019) and ACA5/Proposition 16 (2020)*

6.1 I-1000 in Washington, 2019

In November 2019, a similar group of fourth-wave Chinese immigrants in Washington state have shown once again highly effective mobilization skills and sophisticated forms of political participation. Within the span of six months, they have partaken in various forms of political participation: lobbying the assembly members, canvassing and gathering signatures to push the bill into a referendum, and successfully convincing the voters to vote against I-1000, a law that would have overturned a two-decade-old ban on racial preferences in public education, employment and contracting.

Similar to SCA5, I-1000 was aimed at overturning Initiative 200 (similar to Proposition 209 in California), a measure approved by Washington voters in 1998 that banned the government from discriminating against or granting preferential treatment to people and groups based on race, sex, color, ethnicity or national origin. On April 28, 2019 in the waning hours of Washington's 2019 legislative session, Democratic majorities in the House and Senate propelled I-1000 to passage. The House approved it 56 to 42, and the Senate passed it 26 to 22. No Republicans favored the measure; one Democrat in the House and one in the Senate opposed it. After failing to lobby assembly members to reject or revise I-1000, a group opposing the initiative registered a PAC named LetPeopleVote and had already filed a referendum seeking to put the measure to a public vote. Roughly 130,000 signatures from registered voters was needed by July 27 to get the referendum on the November 5 general election ballot, according to the Washington Secretary of State's Office. Yet in just short sixty days, the fourth wave Chinese immigrants successfully gathered 210,000 signatures, raised a total of $970,000, and successfully pushed I-1000 into Referendum 88 to appear on the November 2019 ballot.

In August 1, 2019, another PAC named Grassroot Against I-1000 (GAI) has been established to focus more on the grassroot oriented activities during the campaigning phase. I was able to

conduct four in-depth semi-structured interviews with the key activists of the group and learn about the developments until the election day. Although I am unable to examine or measure the group's civic and political weight and presence in the community due to its short history, I was able to tease out the similarities and differences to the three organizations established in 2014 against SCA5.

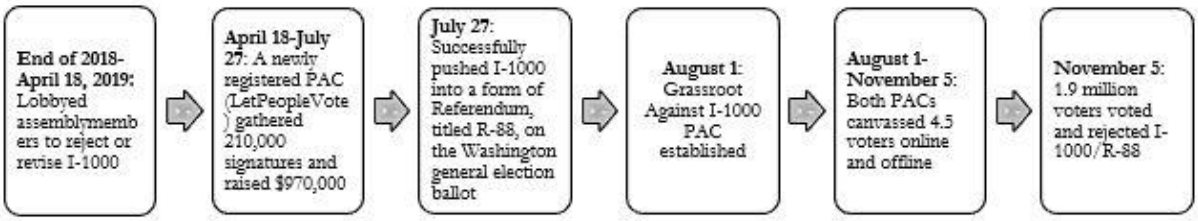

Figure 6.1 Timeline of I-1000

The clear and foremost similarities between GAI and the three organizations in California is that 1) they all stand against race-based affirmative action based on the same reasoning, 2) are comprised of fourth-wave Chinese immigrants who are mostly parents with well-established careers in STEM fields, and 3) are new to US politics. The three organizations in California also supported GAI and LPV primarily by making donations and by closely following the campaigning status and the election. On the other hand, the major differences are: 1) For GAI, there has been a greater focus on the Chinese identity as an organization but during the campaign, the focus has been set on simply emphasizing how the bill is discriminatory (regardless of who it is discriminatory against), 2) different strategies were used, and 3) shared closer ties and stronger cooperation with the conservative groups in the state and the Republican Party. Below, I will be discussing these three differences more in detail.

First, the respondents explained how their experiences awakened and opened their eyes to political participation and called it the 'Great Chinese Awakening' as Zhao described:

> "Every participant has witnessed the tremendous changes in the Chinese community, the unity of the Chinese, and the awakening of

> the Chinese. We also witnessed the active participation and investment of thousands of volunteers in the entire community and hundreds of thousands of volunteer hours. Many people stayed up until two or three in the morning to assist with related matters countless times and go to work the next day with a very few hours of sleep. As we worked night and day, the bond has gotten stronger and bigger as if we felt like we were really in it together. It was everything altogether… our families and children's support even if we couldn't spend much time with them, so actually sacrifices and their support of hundreds of families also really helped the us to carry on. And the final outcome was just all so worthy. It was truly an eye opening experience for all of us,"

If the boundaries of racial and ethnic identity between 'Asian' and 'Chinese' were more loose and have been politically (re)adjusted in the anti-SCA5 organizations, the ethnic identity was more pronounced in their descriptions of their experiences improving their political efficacy and their determination to continue to participate in politics as individuals and as an organization. Zhao further explained:

> "I have participated in some political activities before, such protesting against the legalization of marijuana and creation of heroin injection sites. But it feels that every time it takes everyone to get together for a long time, and then they disperse. The next time this activity gets up again, and then again, it is very wasteful. This time I feel that it is different, because this time everyone realizes that this is a long-term process, and we can't waste resources and manpower repeatedly every time. So we want to have a long-term concept of a community, and then not only this matter, after these things, the next things, in the long run is how to fight for welfare for the Chinese community, instead of passively opposing each time, this is against that. Although our goal that moment was very short-term, we have longer list of plans that we can actually do with the already generated momentum and enthusiasm. I believe it really empowered the community. We would like to focus on things such as helping the old in Chinatown, establishing textbooks that includes more Chinese-related contents, including the sufferings but also contributions of earlier Chinese immigrants and of those newer immigrants as well, continuing the voter's education and registration for the next year's election, and cultivating stronger and more established Twitter and Facebook accounts in general."

Xiao further summarized why they are against the bill and explained the detrimental effects of the bill on the Chinese community:

> "The original text of the I-1000 bill clearly stated the motives and goals: the state government must repair the underrepresentation of disadvantaged groups. The goal of restoration is to achieve full representation, that is, in *proportion* to the population. This goal is essentially an 'invisible' quota. Not only universities, but the passage of I-1000 has affected the entire public education system from elementary school to high school, including student admissions and teacher assessment. In the meeting minutes of the Northshore School District, it was clearly stated: "The proportion of Asian students is too high", and the proportion of the population of each ethnic group, so basically implying quota, needs to be considered. After the I-1000 is passed, under the new legal de facto quota system, we Chinese will be greatly affected. For example, if you look at the data of enrollment in UW in 2011: The proportion of Chinese students (excluding international students) is 5.43%, and the Chinese population in the state of China accounts for 1.4%. After the I-1000 is passed, UW can openly reduce the admission rate of Chinese students."

The respondents explained that the group has come to recognize that using race discrimination (or de facto quotas that is racially discriminatory) to promote diversity, especially in education, is inherently racist and is excluding their children from opportunities they have earned. And the Chinese students are to lose out the hardest. Built upon this idea, their main slogan of the campaign became "Keep Discrimination Illegal: Reject I-1000 on R-88." Although the focus on the 'Chinese American' (rather than Asian American) and the bill's negative impact on the 'Chinese' community manifests in the organization, during the campaign phase, the focus was set on *against (racial) discrimination*, not on whom or the group that the discrimination is targeted to (whether it be Asians, Chinese, white people, or veterans). This can explain the organization's possibilities and opportunities to forge larger alliances with broader interest groups but also to frame their opposition campaign in deracialized terms to sway and redirect general public voters' decisions to their favor.

Second, because the phase of the bill (as an amendment or an initiative) in the legislative process was different, the strategies applied were also different. While SCA5 was heavily focused on intervening the local politicians, I-1000 involved canvassing and campaigning against the bill. Xiao described the group's guiding ideology:

> "We aimed to independently analyze and decide independently what we can do for our group to generate effective publicity and even expansion attempts. We sought out for new media promotion channels. We figured we did not need to hire expensive consulting companies and instead we can book advertisements directly with various media at the lower cost. We had to make it work within our limited budget. So again, our main concept was, and still is, to spend a small amount of money to do big things, be self-reliant in everything, and reduce intermediate links and costs. We learned a lot of new things from scratch, from the political process to creating contents digitally. Because many of us are data scientists, we did the data analysis ourselves and saved huge consulting company's expenses. Also made videos, designed comics, wrote articles, ran self-media, designed and produced advertisements. Doing our own finances and doing PDC accounts also saved us up money. We bought the printer ourselves, again to save time and money, and the volunteers in the publicity team stayed up all night countless times, deliberating the improvement word by word, and carefully crafted flyers. It was a highly concerted efforts made by the hands of volunteers, not through some outsourcing in between. We were really hands-on, on everything."

The group's strategies were extremely data-based and data-driven: they analyzed the results of the past few referendums, especially the data on the 74th referendum and several presidential and gubernatorial elections, and refined it to each county and city to establish a data model and identify areas into red and blue zones. Their main strategy was to target the centrists in the lighter blue zones, such as Spokane, Yakima, Clark County, and go strong in the red zones. They believe their strategies worked as the election results showed higher turnouts in their targeted areas (e.g. Spokane turnout jumped to 47.04% compared to 34.19% in 2017) and withstood the votes from King County, which is considered a deep blue area. Lou further explained:

> "Another key point that we found with the data is that King County cannot be given up because of the large population and the high turnout rate. So abandoning King County without any campaigning efforts in that area is equivalent to giving up one-third of voters in Washington State. And both the GOP and the Libertarian Party's Seattle leaders support rejection of I-1000, and actively asked us for a sign to help us intervene, advising us not to give up on that area. So, in King County as well, we also campaigned there, setting up yard signs, high-speed flyover banners, crossing signs, Nextdoor, etc., we believe the final King County voting results were better than we expected. The surrounding Snohomish/Pierce County is a lighter blue area with a big population. And because of the close proximity

> to us, we held a large-scale installation of signs, leaflets, banners, and banners, and volunteer activities on the ground heavily concentrated in these two counties. Later, we also featured online advertisements for newspapers in these two counties. And the voting results showed that the rejection rate of Snohomish/Pierce R88 was much higher than expected. Because of the large population base, I think it played a huge role in the final victory."

They also held full-page advertisements in Japanese and Korean newspapers and advertisements on large-scale electronic display billboards on highways, in which they calculated the locations of it based on the region's political ID spectrum. As they canvassed for anti-I-1000 agenda, they believe the efforts reached out to an estimated 6 million people and played a vital role in the final victory in November (See Table 6.1).

Table 6.1 List of Online and Offline Campaigning Efforts

Twitter spread	2 million displays
Facebook spread	1.13 million displays
Spotify ads	540,000 views
NextDoor community posts	
Media advertising (TV, Radio)	500,000 displays (targeted at both red and light blue areas)
Media advertising (Newspaper)	400,000 circulations (targeted at large red rural areas)
Highway electronic billboards	Targeted at rural areas of red and light blue areas
Banners on highway flyovers	
Hanging signs at traffic intersections in downtown	
Urban telephone advertising	
Yard signs	6000 prints; 2/3 in the large red rural areas
Event flyers	

Source: https://www.pdc.wa.gov/browse/campaign-explorer/committee?filer_id=GRASS--073&election_year=2019

It also highlighted the advantages that the group held as it is mainly comprised of volunteers and activists who have careers in STEM. Xiao gave an example:

> "For instance, our Facebook advertising has also been continuously optimized, so the cost has been reduced a lot. About 1.3 cents can reach a different person, and one video is played for five cents. Volunteers also carried forward the expertise of code farmers and worked out how to automate and improve efficiency."

Not only were they effective in technical aspects of campaigning, they also paid a greater attention to keeping the organization as transparent as possible (e.g. meeting records, transactions of the funds).

Lastly, there has been a greater effort made to reach out to the Republican Party and other conservative interest groups, such as Restore Washington and Veterans Bar Association:

> "We realized from the beginning that our existing Chinese volunteers are far from enough. We went to GOPs, Libertarian parties, old and new overseas Chinese in Chinatown, former non-Chinese donors and so on. We also cultivated the second generation to actively participate. Handwriting hundreds of envelopes. Because of the efforts of the outreach team and the mailing team, we not only received donations from non-Chinese people, but we also found contacts in other counties to help insert the yard signs even before the signs were made. Another data-driven decision is investment in veteran issues. I-1000 would eliminate the old law where they gave preferential treatment to the veterans and allow discrimination in favor of certain groups that will amount to discrimination against everyone else. So we analyzed the data of veterans, including their distribution in various regions, their influence on previous voting results, and their political orientation on social media, and established a data model. The slogans in certain regions are targeted at veterans. The targeting settings of the ads are adjusted accordingly to make them more targeted. For example, one of our main ads, because of our accurate Twitter targeting, only spent less than $2200, but received 205 retweets and more than 67,000 video views."

The respondents explained the Republican Party endorsed their efforts, provided with slogans, yard-sign designs, and consulted on the writings of pamphlets and leaflets. The Republican Party county committees in various regions also actively cooperated in receiving the yard-signs and assisted with putting them up in each county and continued to campaign in their neighborhoods. Moreover, there is a conflict between the existing law (titled Preference in Public Employment for the Veterans) and I-1000, and GAI interpreted as I-1000 will throw out 'something guaranteed' in place of something that is a 'maybe' for the cases of veterans. They argue that if voters approved R-88, it would force half a million veterans to compete with other factors such as race, gender, ethnicity, and sexual orientation. Again, the group strategically step out from the spotlight of

victimhood by not solely focusing on the onus falling the hardest on the shoulders of Chinese Americans (or even Asian Americans), and instead emphasize the unfairness and the discriminatory aspect of the bill.

Five years after SCA5, the fourth-wave Chinese Americans once again proved instrumental in stopping a law that would have overturned a two-decade-old ban on racial preferences in public education, employment and contracting. They have successfully rallied to force the law onto the ballot—and then defeated it. Although very similar to the case of SCA5 in many regards, the I-1000 case also showcased a several new aspects: the organization's technological savviness managing from accounting to crafting campaigning strategies, emphasis on broader 'discrimination' and 'unfairness' of the bill rather than addressing the victimhood of Asian/Chinese/white Americans, and larger scale of coalitions with the conservatives and the Republican Party. Zhang summarized it rather succinctly: "Regardless of where people fall politically on issues, there is a shared sense among Asian Americans that we're overlooked, that we're considered unimportant. I think these white conservatives are recognizing that."

While this may hint at the possibility of the group's nascent, conservative Chinese immigrant nationalism in alignment with an older, conservative nationalism, more research is required which considers the currently worsening US-China relations.

6.2 ACA5 (Proposition 16), 2020

More recently, on June 10, 2020, the California legislature passed ACA5, a measure to place a constitutional amendment on the November ballot that will allow voters to decide whether or not to reinstate affirmative action. The ballot measure is Proposition 16, and a vote in favor of the ballot would repeal Proposition 209. The legislation was introduced by Assembly members Shirley Weber (D-San Diego), Mike Gipson (D-Compton), and Miguel Santiago (D-Los Angeles).

The new legislation has gained urgency as protests over the police killing of George Floyd in Minneapolis in May awakened the country's consciousness about the systemic inequality and long history of abuse endured by African Americans. Democratic assemblywoman Shirley Weber argued repealing Proposition 209 will not solve racism, but it will be one of the many tools California needs to say California is the land of great opportunity. On the other hand, the opponents argue while Californians are focused on surviving the COVID-19 lockdown, some state legislators are using the crisis as cover for a stealth effort to overturn Proposition 209. They further add that not only has this effort been largely hidden from the public, the measure ignores the fact that many of the challenges facing minority groups stem not from Proposition 209 but from the failure of the government running its public education system.

Affirmative action as it relates to education remains the most deeply divisive aspect of ACA5 in the Asian American community. That was evident in the fact that the API Legislative caucus came in late to endorse ACA5 (on June 22), and that none of its co-authors are Asian American. Moreover, the votes from Asian American members of the Assembly were a mixed bag: Eight of the ten Democrats on the Asian American Pacific Legislative Caucus voted for ACA5. Two Democrats—Ed Chau of Monterey Park and Kansen Chu of San Jose—sat out the vote. Meanwhile, Republicans Phil Chen, Steven Choi and Vince Fong voted no, and Republican Tyler Diep abstained.

Although he received a major backlash from the Chinese communities, Evan Low, who voted yes, stated he acknowledges the long history of social injustice, supports the good will of the measure and the immigrants may have hard times in understanding the long-standing challenges faced by the other minority groups and must stand with them. On the other hand, Choi, an Irvine Republican, equated passing ACA5 to legalizing racism and emphasized he came to the US to move away from such ideologies. Again, both lines of arguments remain the same as in the case of SCA5 in 2014: the proponents argue affirmative action is necessary to redress long history of racial

injustices whereas the opponents argue legalizing racial preferences erodes America's fundamental principles of equal opportunity, merit and individual liberty.

The measure has received support from dozens of California Democrats, including US Senators Dianne Feinstein and Kamala Harris. It is also backed by the University of California Board of Regents, Los Angeles County Board of Education and Asian Pacific Islander Legislative Caucus. On the other hand, strongly backed by many Republicans and the Asian American Coalition for Education (AACE) arguing that affirmative action amounts to its own form of discrimination, significant opposition persists among some Asian Americans and will likely be a critical factor in the November vote. The three organizations that were established to fight against SCA5 in 2014— SVCA, TOC, and SDAAFE— have also been actively leading the movement by campaigning against Proposition 16 and endorsing candidates who are also against Proposition 16. As of July, 139,000 people signed the change.org petition titled 'Vote No on Proposition 16 (ACA5)'. Californians for Equal Rights (CFER), a 501c(4) non-profit organization registered, was formed roughly in June 2020[45], worked as an umbrella group that boasted their coalition of efforts made by the "equal rights champions including Ward Connerly, Gail Heriot, and Manny Klausner, political strategist Arnie Steinberg, new civil rights leaders of Chinese descent represented by Frank Xu, Saga Conroy, Joy Chen and many others, and with tens of thousands grassroots volunteers[46]." Due to the spread of COVID-19, the organizations resorted to maximizing the usage of online spaces and technology for their campaigning efforts, which is one of their key strengths, holding informational events in the virtual spaces and hosting creative events like drive-rallies. They also have received support of the US Justice Department finding Yale illegally discriminating against Asians and white people in undergraduate admissions.

[45] Their website does not state when this organization was found. However, it can be inferred from their website and Facebook Group page that they started fully functioning by end of June, by the passage of ACA5 in California State legislature.
[46] https://californiansforequalrights.org/2020/11/12/no-on-16-strategist-highlights-the-political-awakening-of-asian-americans/

In the 2020 election, by nearly 2 to 1, Californians chose former Vice President Joe Biden over President Donald Trump to be the 46th US president. At the same time, this deep blue state denied the return of race-based affirmative action. This was not a close call, either; ACA5/Proposition 16 was rejected by more than 1 million votes. The 'Vote-no-to-Prop16' campaign websites celebrated their recent victory—for example, on AACE's website's top announcement page it stated: "We took on Mission: Impossible and defeated an omnipotent opponent backed by California's political elites, billionaire donors, unions, and the mainstream media and amassed $22 million with our winning message of truth and unity on a meager budget of $1.8 million[47]". The organizations involved in fighting against ACA5/Proposition 16 and race-based affirmative action view the policy as real institutional and systemic racial discrimination in making. They also agree that the battle to secure Proposition 209 is far from being over and expects something like SCA5 and ACA5 to come around again in the future. However, they remain positive as they were when defeating SCA5; the another upset they have successfully pulled will lead to more political activity, and further stabilizing and solidifying the newcomers' high level of participation in the US politics.

It was expected that Proposition 16 is likely to pass as its outcome could be helped by a progressive turnout against President Trump and by recent protests against police brutality. Or as Liao of SVCA argued, while pointing to a PEW survey that found most Americans oppose race-conscious college admissions, not all is lost yet, and he was right. It is also a reminder that while California is often viewed as a progressive stronghold, the state and its electorate are still fairly conservative when it comes to confronting racial inequity.

[47] http://asianamericanforeducation.org/en/pr_20201106/

Chapter 7. Conclusion

In the late 1960s when the Asian American movement began, Asians in the US demanded a voice in the issues affecting their community. Since then, sociopolitical circumstances have dramatically changed, the composition of the group has become significantly more diverse, and the organizational capacity of the group has been reconfigured, along with the resources available to it. Over the past decades affirmative action has emerged as the defining wedge issue on race, and Asian Americans occupy a unique position in this heated political debate. Asian Americans are materially and ideologically on both sides of the political divide, with some adamantly supporting and other vehemently opposing the policy. The socioeconomic and ethnic diversity of Asian Americans poses troubling questions regarding the underlying purpose and coverage of race-conscious programs. As discussed in the second chapters, Asian Americans do not fit easily into the prevailing black-white conceptualization of race, specifically in this case into remedial policies predicated largely on the black and Latino experience. In this study, I highlight the transformation of Asian Americans' position in the affirmative action debates, from passively inserted to the debates early on by the others but later actively leading the discourse. Asian Americans were initially considered as benefactors of the policy and allies to black people and other minority groups in the Civil Rights Movement in the 60s, and slowly isolated and displaced through the works of "two-staged Asian spoilers" narrative and model minority myth by "Asians casting doubt from the inside of programs by supposedly delinking discrimination and injury/need and Asians, especially those are newer immigrants, casting doubt from the outside of programs as putative victims" (C. Kim 2018), and proactively challenging the policy and defending the status quo (Proposition 209) and their interests by standing against SCA5 in 2014. During this course of transformation, I argue it is crucial to acknowledge the different compositions or groups of Asian Americans that have been passively or actively involved in the debates fighting for or against affirmative action. In other words, the group in such debates as "Asian Americans" throughout the evolution of affirmative

action can be referred to different groups of Asian Americans that hold and share different trajectories and stories of immigration and racialization processes. In this study, the focus is on the fourth-wave Chinese immigrants who stand firmly against affirmative action.

The new wave of Chinese immigrants can be contrasted with the earlier waves. Among them are transnational diaspora. Some are "Chinese in America" rather than Chinese Americans: they are foreign students, who later settled in the US, expatriate business persons, and migrant workers who lead lives always in transit and maintaining grounds on both sides of the Pacific Ocean. These fourth-wave immigrants hold a significantly different pathway to the US compared to previous waves—they had better access and opportunities to integrate into American society in important ways from the start. They were able to study at elite and flagship universities, live in the suburbs, and work at big companies outside of an ethnic enclave. They emphasize education as an 'equalizer' to certain extent of existing inequalities as they themselves overcame an extremely competitive and poor upbringing through education and rose into the upper middle class solely based on merit and hard work. Most of them are not direct beneficiaries of affirmative action policies and only know a very few beneficiaries of affirmative action in their social circles. And often these newcomers are largely unaware of the early experiences of Asian in this country and of the fact that their lives are yet intrinsically linked to the historical and present-day circumstances of Asians already in the US. As a result, strictly based on the ideologies of meritocracy, self-help and discipline, individualism, which were determinative to their pathways and settlement in the US, they argue race-based affirmative action is itself discriminatory, and goes directly against the American values where their successes—and their Asian American identity—are being used to take away the opportunities and to discredit the Asian American students' academic credentials as tainted and the result of a privileged upbringing. Instead, as an alternative to race-based affirmative action, they strongly support socioeconomic status-based affirmative action for redressing such

inequalities and urge for the government's early intervention in improving the educational system at the K-12 level.

Furthermore, I find, while they acknowledge the presence of general and systematic racism and discrimination in the US especially held towards black people, they hardly can relate to it as they do not feel strong kinship as a fellow minority or person of color or whatever other category that may consolidate them and black/brown people's interests. At the same time, they recognize high levels of systemic discrimination and racism targeted towards Asians in the US society. They clearly realize that they are not immune from the everyday-individual encounters of racism (e.g. being yelled at go back to China) and systematic racism in the workforce (e.g. glass/bamboo ceiling and the work culture reinforcing certain stereotypes of Asians) stemming from the concepts of cultural foreignness and nativity, but often refer back to having strong senses of work ethic and perseverance (or 'gaman' at its ultimate) as the way to overcoming such biases and achieving success at the individual level. However, equating their experiences to and inserting Asian Americans into a racial paradigm arguing that Asian Americans constituted a racialized block subject to the same racism that afflicted blacks can be entirely misleading. Anti-Blackness should be understood not as a superior form of oppression but as a form that gives shape and context to the oppression of other racially marginalized groups, while creating a *qualitatively distinct oppression* for the Blacks (Sexton 2010). Failing to do so, it will bring the negative effects of decentralizing and erasing the historical experiences of black people, and as in Wilderson's words, "the more political imagination of civil society is enabled by the fungibility of the slave metaphor, the less legible the condition of the slave becomes" (2010, p. 22). In short, in the absence of an honest accounting of how different groups are and have been situated relative to power, the discussion is nothing but disavowals of the specificity and ethical urgency of anti-blackness.

Mainly due to having a relatively short, yet effective, history of political participation as individuals, there also has been a low sense of collective effort among the newly formed

organizations to address such systemic racism targeted towards the minorities in general, or even at Asians, in a larger scale. Instead, their missions and goals are often focused on the communities and are heavily issue dependent. The only prominent issue propelled at the national level is education. Given that education is the only issue that they are primarily focused on at the state-level or even at the national level, and that they are aware of the current racial hierarchy built upon white supremacy and their positionality as a minority but considered a non-minority when it comes to college admissions, the fourth-wave Chinese immigrants describe the uncertainty of their belonging, similar to facing an identity crisis, which further solidifies their positions as racial intermediaries.

Having no viable allies among the minority groups and coming from a different angle of rational choice, self-interest, and an aspect of strict political economy, the group recognized their interests converging with white conservatives and naturally formed coalitions to advance their common interests and agendas. Although the intentions may differ, the group's coalition strategy can bring the same consequences brought by the JACL's in the 1940s—JACL perpetuating the darker side of the model minority myth by expressing the Japanese' pride and success which often compared to the community with black America without truly understanding that the imprisonment of African Americans in poverty and racism was far more devastating than theirs in concentration camps or exclusion. Yet the convergence of interests between the fourth-wave Chinese immigrants and white conservatives do not fully overlap and vary among organizations and individuals. As they are currently only interested in advancing the rights to equal opportunity to quality education, whether if this new yet powerful political force will eventually spill over to forming a bigger and broader alliance with the white conservatives remain questionable. Time will only tell us whether if these organizations will eventually expand to other big issues such as immigration, taxation, and support to undocumented immigrants.

When only looking at the organizational behaviors, the leaders have significantly improved political efficacies of both themselves and other activists, ranging from applying various mobilization strategies and influencing the political process, and presented a viability of achieving short-term (e.g. blocking SCA5) and semi long-term goals (e.g. endorsing certain candidates and winning the election to represent their agendas). As they are gaining more experiences with US politics, they continuously challenge the notion of Asians invisibility in the US politics. Their participation does not only encompass voting and holding registration drives; they actively participate in the political process ranging from lobbying the local legislators, organizing canvassing and campaigning works, strategizing with the support of data science and technology, to contacting and endorsing the officials. They continue to pave ways for greater level of participation for their volunteers and activists. They have swiftly reached a level of political maturity and established a strong civic and political presence and weight in their communities where they can marshal forces statewide quickly and effectively, and deftly apply political pressure tactics as organizations.

The battle of affirmative action is far from being over, and the fourth-wave Chinese immigrants and their organizations are again taking the lead in opposing the policy. Recently, we were able to witness another successful attempt made by them in Washington state to overturn the initiative (I-1000) and more recently defeating ACA5, which was voted on as Proposition 16 in this year's general election, in California. There also has been a growing oppositional force among other Asian ethnic populations such as Koreans and Asian Indians. A few examples of notable opponents are: Vijay Chokalingam, an author[48] who describes himself as "affirmative action hacktivist," Suraj Viswanathan, who ran for Milpitas City Council race in 2020, and Ritesh Tandon, who ran for Congress in 2020. They were all vocal against Proposition 16, referring to racial preferences as another caste system.

[48] His book is titled *Almost Black: How I Posed as Black to Get into Medical School*.

The fourth-wave Chinese immigrants pose an interesting case in studying 'Asian American' identity—as they strategically use the broader 'Asian American' identity to advance their agendas and interests (i.e. Schattschneider 1960) because they already make up a big portion of the Asian American population, but also re-ethnicize their Chinese-American identity as it was evident in the organizations' missions and goals to advance Chinese interests, and also more pronounced among the activists and participants of the movement. It begs the questions of the Asian American identity—paradoxically, while Asian Americans want to be integrated into the mainstream society, they are highlighting a factor that differentiates them from the mainstream society—and the constructed Asian American racial boundary. They are criticized for promoting their own marginalization and isolation, in essence perpetuating their own status as 'foreigners'. Yet given their continued exclusion mainstream society, it should not be surprising that they have adopted this as a strategic organizing mechanism. Additionally, critics note that regardless of their usage of the term, by using the 'Asian American' category to challenge the system, they are basically reifying their racialization. They argue that by promoting the idea of Asian Americans as a monolithic or uniform group, they are perpetuating the prevalent misconception that they are alike, inadvertently re-essentializing or homogenizing their identity (Lowe 1991). While Asian Americans have politicized the racial categorization for their own purposes, they have not fully examined the racial classification that often subsumes, excludes, or silences individuals and groups. While organizing along racial lines provides new possibilities and opportunities for resistance and can be an effective strategy for mobilization, they are still working within the constraints of the racial model imposed on them. And as it is evident in the case of affirmative action, it gets further complicated when the interest or the issue is divided within the racial group. Applying the racial triangulation of Asians frameworks to assess the status of present-day Chinese Americans, we can see a rapidly expanding community through international migration that is socioeconomically white, but culturally foreign, ethnically associated with a non-white race, and geopolitically with a Communist nation and a

rising world power that has been more a foe than a friend in the history of international relations, providing an additional layer to the current racial hierarchy. The combination of these factors spells a questionable standing in a political system that has a history of Chinese/Asian exclusion and condones various forms of anti-blackness and racism to sustain white supremacy (Bobo 2001; Bonilla-Silva 2003; Bonilla-Silva 2015).

Taking seriously the ways in which Asians, especially the fourth-wave Chinese immigrants, are influenced by America's racialized social system raises an additional issue of importance that has implications for American politics and society. In a way, Chinese immigrants are an excellent test on the notion of a color-blind society. Some scholars argue that foreign-born Asians' upward mobility and social integration are evidences that race does not play a key role in the lives of Asian Americans, but we see in this study that Chinese American immigrants' identity and behavior are influenced by negative racialized interactions, thereby providing evidence to the contrary. This study shows that racial disparities are clear and prevalent enough such that even newcomers to this country realize differential treatment due to race, and consequently, re-evaluate their personal identities. Sometimes, this re-evaluation leads to a politically mobilized identity aimed to claim their interests. In all, this study shows that immigrants are still quickly racialized into traditional racial categories and treated with respect to their place in America's racialized social system, thereby elucidating the prevalence of power of race in the US. Yet the pan-ethnic identity remains weak.

The study of Asians in the US has primarily focused on Asian Americans who have been in the US throughout multiple generations, but as Asian immigrants continue to arrive to the us, it will also be important to understand how country of origin and experiences with the borders of the US interact to influence the identities and behaviors of foreign-born Asians as they continue to immigrate into the US. Further, Asians in the US have a broad sense of who is Asian—as these boundaries include foreign- and native- born Asians—so it will be important to take ethnicity,

generational status and levels of social and political acculturation into account as we continue to study Asian American politics. At the very least, we will have to be more specific about which Asian people we are discussing (e.g. Americans, foreign-born, second generation immigrant) when making claims about Asian identity and Asian American politics.

The results of this study also hold implications for broad Asian American agendas and intra-racial political relations. Asian immigrants face similar problems as Asian Americans, but there are a few issues that seem to be more important to foreign-born Asians and their children than for Asian Americans. This study shows that although there is quite a bit of overlap in the political concerns of Asian Americans and Asian immigrants, Asian immigrant issues may be isolated from the broader Asian American issues or even further, from other minorities. This isolation, especially at the local or state levels where the proportion of Asian immigrants may be large (e.g. Santa Clara county), could lead to intra-racial competition for resources and descriptive representation (Rogers 2004). Moreover, rather than casting the newcomers as outliers and relying on the assumption that Chinese Americans are homogeneous, progressive Chinese American leaders need to engage with the fourth-wave Chinese immigrants more effectively and continue the discussion regarding affirmative action.

The results also hold implications for interracial political relations and prospects for coalition building with black/brown people. Putting too much emphasis on meritocracy and too little effort to understand and acknowledge how race is inextricably connected to class in the US society that is embedded in white supremacy and foundational anti-blackness will only further isolate the fourth-wave Chinese Americans and drive them away from other racial minority groups, and simultaneously further reinforcing the racial triangulation of Asian Americans. Thus, constructive racial discourses that critically evaluate where Asian Americans currently stand in relations to other racial groups and to power structure, and how to move forward as a group that can incrementally heal current racial injustices will be necessary. Focusing on the racial knowledge

acquisition of immigrant communities of color, Merenstein (2008) finds race relations can be improved if immigrants, who tend to accept the dominant racial ideologies, are educated on the history of US race relations and on the causes and consequences of poverty of native-born black people and other minorities. It is also necessary for the proponents of affirmative action to understand how these newly migrated Chinese immigrants came to oppose race-based affirmative action. Ultimately, the most effective way to combat structural inequality across ethnoracial communities, according to Marable (2004), is to surpass traditional racial boundaries by promoting policies that make use of the intersections between race and gender, ethnicity, sexuality, and class. Given the fact of a globally connected world, he also believes it important to incorporate the transnational contexts of racism to engage anti-colonialism and anti-slavery efforts in building coalitions. This advice seems to be particularly suitable for both sides, supporting and opposing race-based affirmative action, and bringing the Chinese immigrant communities and Asian Americans in the racial middle to form alliances with other communities of color for the collective advancement of a more just and equal society.

In all, this dissertation contributes to providing the fourth-wave Chinese Americans with the space to articulate what race, ethnicity and politics means to them and reflects a critical mix of their racial positioning, adherence to racial, ethnic and "classically American liberalism" political ideologies, internalization of values and norms from place of origin, and their fraught relationship with the racial minority myth when it comes to the debate of affirmative action.

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Appendix I

Table 1. List of Organizations and Interview Participants

Organizations	Name
SVCA	L. Liao
	A. Chen
	C. Lu
	J. Xu
TOC	G. Lu
	S. Yang
	B. Yu
SDAAFE	N. Zhang
	S. Heiseh
	F. Xu
AACE	Y. Zhao
	C. Li
	W. Wu
AALF	L. Cheng (1.5 generation)
80-20	S.B Woo
GAI	S. Lou
	H. Zhao
	Z. Wang
	Z. Zhang
APAPA	A. Wang (1.5 generation)

Appendix II

1. Could you please tell me how you first became a political activist? A little more on your personal background? Where are you from? When did you immigrate?

2. How and why did you decide to join/form [name of the organization]? What roles did you play?

3. Why was it important to stop SCA-5/R-88?

4. How do you interpret the results? Meanings? Were Chinese Americans' intervention efforts effective and decisive? Could you provide any examples or evidence?

5. Tell me how the fight against SCA-5/R-88 was won? Any background information would be wonderful. How did activists mobilize? Which strategies were used and were most effective? I believe you mentioned putting up the signs. Could you elaborate a bit more on it? What were the messaging?

6. What roles did WeChat play? Other social media platforms? Could you briefly walk me through how you organized the rallies if there was any? All in all, how was it so powerful/efficient?

7. What other non-Chinese Asian American organizations (Korean, Filipino etc) do or did [name of the organization] work with? Why do you think the fight against affirmative action has come mostly from Chinese Americans and not other Asian Americans? Mostly immigrants or a mix of first and second generation (or different waves)?

8. Do [name of the organization] work with California/other places based Asian American groups?

9. How did [name of the organization] get involved in the Harvard case? Walk me through how it unfolded. What is the group's and relationship with Ed Blum and his group? Donations?

10. What are your and your group's main argument against race-based AA? Which arguments were used? Cases of Jews/blacks? History of discrimination? Separate but equal doctrine?

11. What are your thoughts on the federal court's ruling in the Harvard case? Where do you and the organization think how it's going to unfold?

12. What is your view about the status of blacks in the US today? Latinos? Do you believe there is discrimination against blacks—in what way? What about current racial hierarchy in action? Where do you situate Asian Americans?

13. Do you believe Chinese Americans face discrimination today? More discrimination than blacks do? If so, why? Is race-conscious admissions the main form of discrimination Chinese Americans face today?

14. What are your thoughts on structural/institutional racism? How do you think it impacts and influences Asian Americans? What about Chinese Americans?

15. Do you think Chinese Americans benefit from affirmative action in some areas—e.g., in employment or city contracts? Do you support affirmative action when it does benefit Chinese Americans?

16. Supporters of race-conscious admissions sometimes argue that it is needed to remedy centuries of discrimination against blacks that began with slavery. What do you think of this argument?

17. What are your thoughts on affirmative action based on socio-economic status?

18. Do you think diversity on campus is a worthwhile goal?

19. How would you define 'diversity'?

20. Liberal Asian American organizations filed amicus briefs in *Grutter* and *Fisher* and the Harvard case, arguing that Asian Americans benefit from and support race-conscious admissions. They worry that your strategy in these cases disrupts the coalitions they have been trying to build with black and Latino organizations for decades (past struggles vs. current interests/equal access). What are your thoughts on this view and on forming coalitions with other minority groups? (or them arguing that your effort pit Asians against other people of color) Or on pragmatism? What about on Civil Rights movement back in the 60s + yellow power movement (rainbow coalition) and how do you make sense of this?

21. Do you sense any form of rivalries/competitions or conflicts with previous generation of immigrants? (generational differences, cultural values? Language differences?) What were the efforts made to bridge or strengthen the relationships with much older and established Asian/Chinese organizations? Common grounds on other issues? Such as?

22. How would you characterize the Chinese American community politically? What is the relation like with other established (length/history-wise) advocacy groups like Organization of Chinese Americans?

23. Polls suggest the majority of Asian Americans support affirmative action. Why do you think this is?

24. Future directions/goals? Ultimate goals? How do you picture it and how do you and the [name of the organization] plan to carry them out?