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Meritocracy and Diversity
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by

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MERITOCRACY AND DIVERSITY IN HIGHER EDUCATION:
DISCRIMINATION AGAINST ASIAN AMERICANS IN THE POST-BAKKE ERA

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Not since the U.S. Supreme Court decision in the case of Bakke v. The University of California in 1978 has there been an issue in higher education given as much media and political attention as the issue of discrimination against highly qualified Asian Americans seeking admissions, through regular, competitive channels, into the nation's most prestigious public and private universities. The issue was initially identified and raised as a regional concern in a study completed in 1983 by a group of Asian American college students attending the elite private universities in the Northeast (Ho and Chin 1983). While it received only scant public attention in the media and in the Asian American community, the issue became the sustained focus of growing national attention following the release in June of 1985 of the widely publicized report of the Asian American Task Force on University Admissions (ATFUA 1985a). In its report, ATFUA, a broadly based community group co-chaired by two Asian American judges in northern California, accused the University of California at Berkeley (UCB) of abruptly changing its admission policies and practices to slow down, if not to reverse, rising Asian American and declining White enrollments. The report re-ignited the earlier concern of Asian American students on the East coast and stimulated others to look into previously unsuspected elite universities such as Stanford University and MIT. Two federal law enforcement agencies - the U.S. Department of Justice and the Office of Civil Rights of the US Department of Education - openly expressed interest in looking into the allegations of racial discrimination (Bennett 1985; Manzagal 1986). With the publication of a major article in the Chronicle for Higher Education (Biemiller 1986), what began modestly as a regional concern in 1983 rapidly emerged into a national debate (Hassan 1986-87), prompting President Ronald Reagan to warn the nation on May 3 that "the use of informal exclusionary racial quotas or any practice of racial discrimination against any individual violates the law, is morally wrong and will not be tolerated" (Asian Week 1988). Ironically this debate over 'overrepresentation' and possible admissions 'quotas' for Asian Americans is occurring amidst a national celebration in the media of Asian Americans as a successful "model minority" on the one hand, and an avalanche of blue-ribbon studies urging the nation's schools and colleges to return to the pursuit of academic excellence to help maintain the U.S. competitive edge in technology and trade on the other hand (Gross 1985).

The primary purposes of this paper are: (1) to examine some of the recent changes in admission patterns and policies among some of the most prestigious institutions of higher education, especially recent moves away from strict meritocratic criteria to increasing reliance on subjective and non-academic criteria and on an emerging, but vaguely defined concept of "diversity," and (2) to determine the implications of these changes not only on the admissions and enrollments of Asian American students in these institutions but also on the time-honored principle of meritocracy upon which these so-called world-class universities have built their reputation of academic excellence. The scope of this study is severely limited by the closely guarded data and documents available to date as well as by the fact that the issue is complex and still unfolding. As a consequence, this study

should therefore be considered a contribution to an ongoing public policy debate and its conclusions considered tentative.

MERITOCRACY AND THE STRUCTURE OF PRIVILEGE

In an essay published during national debates over the meanings of Bakke and charges of "reverse discrimination," Duster (1976) persuasively argues that the universalistic criterion of merit used in selection procedures for admission actually (1) "varies in time, (2) is socially defined, and (3) is intrinsically interconnected with the social structure of privilege and its maintenance." As an example, he cites the use of the quota systems against Jews for nearly a century by the nation's top medical schools. According to Duster, the quota system was introduced as "an additional criterion" for admission to limit effectively the number and proportion of academically qualified, but "socially undesirable Jews" into these medical schools and to perpetuate the domination and privilege of the White Protestant Gentile males in these institutions in the wider society. Here the social and political concerns of the power elite - the perpetuation of the structure of power and privilege - were deemed more important than a rigid adherence to some outdated universalistic meritocratic criterion or standard of academic qualification. In present-day language, the additional criterion used to curb Jewish enrollment, the quota system, was in fact an affirmative action program for the less competitive White Gentile males disguised as meritocracy. Similar affirmative action programs for Whites existed in the worlds of professional sports, entertainment, business and labor to keep out racial minorities. In other words, the admission criterion, adopted as universal criterion, was introduced and readily modified over time to help maintain the social and political structure of privilege dominated by the White Protestant elite.

Duster is, of course, not opposed to the use of universalistic and meritocratic criteria in hiring or admission decisions. Nor is he opposed to the legitimate use of "other criteria" or additional criteria under certain circumstances, such as affirmative action programs designed to break down the cycle of exclusion and privilege, programs erroneously labelled "reverse discrimination." However, he is unequivocally opposed to the use of "other criteria" that are prejudicial, unfair, and discriminatory and whose deployment are for the sole purpose of perpetuating unjustly established power and privilege.

In a related study on the decision to use the quota system and the discretionary power of the admissions offices against highly competitive Jewish applicants between the Wars by the "Big Three" - Harvard, Yale and Princeton - Jerome Karabel (1984) calls the decision the "iron law" of admissions at work: "an institution will retain a particular process of selection only so long as it produces outcomes that correspond to perceived organizational interests (of the dominant Protestant upper class)." According to Karabel, the central force behind the decision against the upwardly mobile Jews by the Big Three was the struggle of emerging, competing status-groups for scarce resources. (Access to these universities was highly restrictive and selective, thus considered a scarce resource.) Since the Big Three were "utterly dependent on the Protestant upper class" for the supply of needed resources, including the administrations of these institutions, "they readily volunteered for service on behalf of its interests and eagerly embraced its fundamental goals." They did it by introducing several non-academic and subjective criteria to sharply curtail Jewish access to this scarce resource and privileged structure. Among the

criteria used were: personal character, geographic diversity, religious affiliation, leadership potential, and alumni parentage. Karabel further concludes that the legacy of this period of intense status-group struggle is with us still and that the procedures and criteria developed at that time are used differently today. Echoing Duster, he writes, "institutional discretion is wielded within the confines of a definition of merit that, albeit now stripped of its more overtly ascriptive trappings, effectively ensures that dominant groups will continue to be its main beneficiaries" (Karabel 1984).

This study uses the concepts of Duster and Karabel to clarify the current debate on Asian American admissions among the most selective universities. Moreover, it covers only the competitive channel of admission through which mostly White and Asian American applicants, supposedly evaluated by strict meritocratic criteria, gain access to these elite institutions, not to be confused with the non-competitive channel through which most leading universities routinely admit athletes, special talents, underrepresented minorities, children of VIPs and wealthy alumni, etc. The key questions then for this paper is: have elite universities in the U.S. introduced "other criteria," many of which are non-academic and subjective, in the post-Bakke era in the name of increasing student diversity in the competitive channel to maintain unjustly the structure of privilege and domination against the emerging, competitive racial group called Asian Americans?

ASIAN AMERICANS IN HIGHER EDUCATION

Measured by several traditional indicators of academic achievement, Asian Americans excel above all racial groups in the U.S. (Peng 1988). In fact it is this extraordinary accomplishment that led the national media to call them the "model minority" (Newsweek 1982; McBee 1984; Givens 1984; Bell 1985; Whitman 1987) and "super minority" (Ramirez 1986). For example, according to the 1980 census, all Asian American groups except the Vietnamese Americans exceeded Whites, Blacks and Hispanics in the proportion of the population with a college education (Tsang & Wing 1985; Kan & Liu 1986). While only 17.4% of Whites 25 years old or over had four or more years of college education, 37% of all Chinese Americans 25 years old or over had four or more years of college education. Similarly high rates were noted among, Japanese Americans (26.3%), Filipino Americans (36.9%), Korean Americans (33.9%), with only Vietnamese Americans (12%) showing less achievement.

In California, while Asian Americans made up 6.7% of the total population in 1980, they had the lowest school dropout rate and highest school achievements among all racial groups. In 1986, 33% of California's Asian American high school graduates were rated academically eligible for freshman admission to the University of California, compared to only 16% of their White counterparts (Curtis 1988; C-PEC 1985). In that same year, Asian Americans constituted 13.2% of all students who took the SAT in California while Whites made up 56.6%. This impressive record resulted in Asian Americans having the highest college-going rate (C-PEC 1987) and is reflected in their enrollment in the nine-campus UC system - 18,946 or 18.2% in 1985 (UC 1987).

Even more impressive is the ability of this Asian minority (1.6% of U.S. population in 1980) to gain admissions, in just the last ten years, into the most prestigious and selective universities -- both the public and private 'ivies" -- in percentages far exceeding their population percentage

(Hu 1986, 1987a, b; Bell 1985). For example, Asian Americans made up only 1.95% of Brown's undergraduate applicant pool in 1975, but 10% in 1983 or an increase from 168 to 1,451 in 1984, a 848% jump (Brown University 1983)! Similarly, only 217 Asian Americans applied to Yale in 1976; but in 1987, Asian American applicants increased to 1,597 (Romanoff 1986; World Journal 1987). In 1977, UC Berkeley recorded only 1,936 Asian American applicants, but in 1987, the number shot up to 6,698. To measure the quantum jump with another indicator, the freshman enrollment of Asian Americans at Harvard rose from 3.64% in 1976 to 12.8% in 1986, at Stanford from 5.71% in 1976 to 14.74% in 1986, at MIT from 5.32% in 1976 to 20.59% in 1986, and at UC Berkeley from 17.1% in 1976 to 26.5% in 1986 (Hu 1987b). In fact, the growth rates of Asian American students at UC Berkeley and MIT were rising so rapidly that the projected Asian American enrollment at UC by 1990 was placed at 33% and 57.3% at MIT by 1995!

From this sketchy overview, it is clear that since 1975 Asian Americans have been vigorously pursuing access to one of the nation's scarcest resources: admission into the most prestigious, selective universities. It is important to note that historically this pursuit began only after the Black civil rights movement succeeded in opening the doors for racial minorities to these traditionally White dominated institutions and the coming of age of the children of a significant number of well-educated Asian immigrants after the 1965 change in immigration law (Synnott 1979). To understand how elite universities have handled the rising Asian American enrollment pressure in this period, we turn first to the UC Berkeley example which by far has attracted the most attention nationally and about which we possess reasonably good data. This will be followed by a survey of how several of the elite private universities have dealt with the growing numbers of Asian American applicants.

RECENT DEVELOPMENT AT UC BERKELEY

To determine possible discrimination, two questions are asked. First, has the sudden changes in admission policy at Berkeley since 1984 had an adverse impact on Asian American applicants in comparison to White applicants? Second, have these changes in admission criteria had a racist intent.

The University of California, Berkeley, long considered the flagship campus of the nine-campus, state-supported system, has had a total undergraduate student body of about 20,000 in the past decade. In spite of rising demand for admissions, the total undergraduate enrollment over the past twelve years had remained relatively stable. The stability has been maintained largely by steadily and arbitrarily raising the academic standards for admissions into UC Berkeley, by massively redirecting less competitive applicants to other UC campuses, notably UC Santa Cruz, and by permitting other UC campuses, notably Santa Cruz, San Diego, Irvine and Riverside to expand their enrollments at rates commensurate with the rising demand for access to UC. One result of the rising admission standard in the competitive channel was to make UC Berkeley extraordinarily competitive for unprotected White and Asian American applicants (Cesa 1988) and to heighten inadvertently their competition not only for admissions but also for access to coveted majors, such as engineering and business administration with a host of unintended consequences, including racial tension.

By virtue of its international reputation as one of the leading public universities in the U.S. and by its geographic proximity to San Francisco, which has one of the largest Asian American communities in the U.S., UC

Berkeley has always been the preferred campus for many Asian American parents, dating back to the pre-war era. The fact that it is tuition free and is readily accessible by public transportation makes it even more attractive to the largely lower-middle and lower-class Asian American families who simply cannot afford to send their children to more expensive and distant private colleges and other UC campuses (Thomson 1986). The desirability of this campus can be seen from the huge Asian American applicant pool: a total of 5,713 applied in Fall 1987 or 28% of all applicants, while White applicants registered only 11,190 or 54.9%. This 2:1 ratio is impressive when one considers the fact that White high school graduates in California out-numbered Asian Americans by 6:1 in 1985 (140,228 to 22,545). Similar enrollment pressure is found on the UCLA campus because of the surrounding Asian American population.

During the 1975-87 period, the number of Asian American undergraduates (excluding the foreign Asian students) increased rapidly in both absolute and relative terms, from 16.8% (3,410) of all undergraduates to 25.6% (5,665). (By comparison, during the same period, the percentage of all undergraduates who were Black rose from 4.1% to 6.5%, and who were Hispanic, from 3.2% to 9.4%.) Consistent with their demographic decline in California during the same period, White enrollment dropped from 68.17% (13,820) to 51.9% (11,472).

Beyond the steady enrollment gains, the academic qualifications of Asian Americans, measured by their GPA and standardized test scores, also rose at a rate faster than their White peers. In a recent audit of Berkeley's admission records, for example, the California Auditor General reported that the average high school GPA of Asian American applicants to UC Berkeley rose from 3.10 to 3.72 between 1981 and 1987, while the average GPA of Whites during the same period rose from 3.27 to 3.62 (California Auditor-General 1987). The report also shows that Asian American applicants proportionately have higher Academic Index scores -- combined scores of GPA, two SAT tests and three Achievement tests -- than their White counterparts.

These trends led Roderick Park, the Vice Chancellor for Academic Affairs, to project in 1985, in his five-year plan, that the ethnic composition of Berkeley undergraduates by 1990 will be one-third White, one-third Asian American, and one-third for all others (UCB 1984). No wonder the Asian American community in the Bay Area was stunned in October 1984 when Berkeley announced that the number of Asian American freshmen, instead of rising from 1,239 in 1983 to possibly about 1,400 in 1984, took a nose-dive to 1,008 (ATFUA 1985a; Gust 1986). In fact, with the exception of Pilipino Americans, who were protected by the affirmative action program, every Asian American sub-group registered a decline. The sharpest reduction occurred among Chinese American freshmen, dropping from 609 in 1983 to 418 in 1984 or by 30% in one year. By comparison, White freshmen admissions declined by only 4%, from 2,425 to 2,327. In short, the decline in the number of Asian American freshmen, in comparison with Whites, was disproportionate and significant. Just as significant is the persistence of the disparity in admission rates between Asian Americans and Whites over the past several years (see Table 1).

In spite of their superior qualifications vis a vis White applicants, from 1985 to 1988, both the number and percentage of Asian American freshmen remained virtually unchanged from the 1984 level. Also alarming to the Asian American community is the fact that the overall undergraduate Asian American enrollment has remained basically stationary at around 25% since 1983. In other words, Vice Chancellor Park's projected annual increase in the numbers and percentages of Asian American undergraduates

never materialized, convincing many in the Asian American community that Berkeley had a "hidden quota" for Asian Americans (Gust 1986; Lye 1986; Lindsey 1987; Nakao 1987; Newsweek 1987). The administration steadfastly denied the allegation through press statements and issued studies to refute the findings of ATFUA and to clear the university of any wrong-doing (UCB 1985, 1987a, b & c).

Following two years of heated, public exchanges over the reasons behind the unexpected drop in 1984 and mounting public skepticism over the university's handling of the Asian American concerns, the California Auditor General, acting on a request by the State Legislature, conducted an extensive, independent audit of Berkeley's admissions records for the period 1981 to 1987 (California Auditor-General 1987). The Auditor General released his 400-page report on October 7, 1987. During the period covered in the audit, the report revealed that Whites "gained admission to Berkeley's five colleges at rates that were higher in general than those of Asians" in spite of the superior academic qualifications of Asian American applicants. More specifically, the Auditor General stated that "of the 49 Asian admission rates and the 49 Caucasian admission rates that we compared with each other, the Caucasian rates were higher in 37 instances." Without making any allegations of racial discrimination, Deputy General Kurt Sjoberg said, "I think many would ask why (there are disparities), and I think the university will have to answer why." In short, the persistent disparity in the admission rates between Whites and Asian Americans uncovered by the Auditor General confirmed the earlier findings of ATFUA and provided credence to its allegations of racial discrimination and hidden quotas.

In response to the report, Berkeley's Chancellor Ira M. Heyman claimed, "From all the evidence I have seen, I remain firmly convinced that our methods are sound and that there is no pattern of unfairness" (UCB 1987b). In a measured response, ATFUA firmly rejected the Chancellor's claim and called for additional probes by the Academic Senate, UC Board of Regents, and the State Legislature (ATFUA 1987; UC 1987b; UC 1988; California Assembly 1988).

Two questions remain unanswered: what policy changes were made to cause the disparity between White and Asian American admissions, and what was the motive or intent behind these changes? A careful analysis of the rationales and intents behind the policy changes after 1983 should provide a clue to the main issue raised in this paper. Unfortunately, most of the relevant documents and minutes of meetings are still unavailable. The following analysis is based on what has been disclosed to date.

Adverse Impact

Some time in late 1983 or early 1984, a major policy decision was made without public knowledge to redirect Educational Opportunity Program (EOP) applicants "who were not Blacks, Hispanic or Native Americans" to UC Santa Cruz (UCB 1984b). The program had previously protected UC eligible, but non-competitive applicants who were poor and disadvantaged regardless of race from being rejected or redirected to other UC campuses (ATFUA 1985a). The decision represented a major policy shift from a socio-economic to a race based admission program. Subsequent investigation revealed that the decision was made without the participation and approval of the Academic Senate Committee on Admissions and Enrollment, a faculty committee authorized to make admission policy decisions, and no public announcement of the change was made (Lye 1986). Since there has always been a larger

proportion of Asian American applicants who are from disadvantaged backgrounds in the San Francisco Bay Area than Whites (377 to 122 in 1983 and 446 to 143 in 1984), the decision disproportionately affected Asian American EOP applicants (Min 1987; Thomson 1986). Among the new EOP students in 1983 were 62 Whites and 248 Asian Americans, but in the following year, their numbers dropped respectively to 55 and 136. In spite of the Chancellor's assurance that "students with hardship will be given special consideration during the subjective phase of application review" (UCB 1987a), poor and disadvantaged Asian American students became the major victims of this new policy. Continuing the declining trends, the number of new White and Asian American EOP students in 1985 were respectively 24 and 83 (Min 1987). That the decision to change the EOP policy had an adverse impact of Asian Americans is clear.

Intent

Some time before the 1984 freshman class was admitted, a rumor surfaced on the Berkeley campus that the administration had decided to impose a minimum SAT verbal standard on all unprotected applicants (this included, among others, both, Whites and Asian Americans). When the chancellor was first questioned about this issue by a regent of UC in late 1984, he flatly denied that such a policy decision was ever made and cited evidence to show that the allegation was unfounded (UCB 1984b). ATFUA, however, continued to press for full disclosure of that decision (ATFUA 1985). Finally, in a response to ATFUA, Assistant Vice Chancellor Travers wrote, "at one point (in 1984) a minimum of 400 Verbal SAT score was set, but shortly after the written directive was issued, it was withdrawn" (ATFUA 1985a). With this belated admission in March 1985, the University ended several months of repeated denials that such a directive was ever issued in 1984. However, the administration failed to release the memo and did not offer an explanation for the policy decision. Nor was an investigation ordered to find out how and why the decision came to be made. It was not until November 18, 1987, a month after the release of the Auditor General's report, that the Chancellor agreed to have this matter investigated by a special Academic Senate committee (UCB 1987a; Lye 1987). On January 26, 1988, Chancellor Heyman publicly apologized to the Asian American community for mishandling its concerns (California Assembly 1988; Gordon 1988). It was not until February 1988 that the directive, issued on December 28, 1983 and reaffirmed on January 4, 1984 by Robert L. Bailey, Director of the Office of Admissions and Records, was secured by the Task Force and released to the press (Lum 1988; Tokunaga 1988).

From the very beginning, the directive was the focus of attention and the "smoking gun" sought by the Task Force (Tokunaga 1988). If such a policy in fact existed, it would have provided ATFUA the most direct proof of illegality and racist intent. At no time in the history of Berkeley had there been such a criterion used for rejecting qualified applicants in the competitive channel of admission. In fact, in all published announcements, catalogues, and application forms, the policy had always been to use only the combined SAT verbal and math scores, the combined scores of three achievement tests, and GPA for admission decisions in the competitive channel. The reliance on a single criterion, a minimal SAT verbal standard, to disqualify an unprotected and unsuspecting applicant, White or Asian American, was unprecedented and in violation of UCB's announced policy. Even its validity for predicting Asian American college performance is questionable (Zane, Sue and Abe 1988). Worse yet, the decision to use such

a criterion was made with the full knowledge that its implementation would have adverse impact on Asian American applicants who, like their White peers, were not protected by any affirmative action program. What made the policy insidious was the fact that the University administration knew that the national average Asian SAT verbal score in 1984 was 28 points below the national average of 426 (College Board 1985; UC 1986, 1987). (Incidentally, the average Asian SAT math score in 1984 was 48 points above the national average of 417). What is more, the mean SAT verbal score for Berkeley freshmen of immigrant background, overwhelmingly Asian Americans, was at least 100 points lower than the mean for other freshmen between 1978 and 1982 -- a vital bit of information widely known to the Berkeley decision-makers (Tang 1982). In other words, the unmistakable intent behind the secret decision was to disqualify some UC eligible Asian American applicants from competition with White applicants, even though by policy they were eligible. The decision made jointly by several key figures in the administration was illegal and it amounted to an abuse of power and betrayal of public trust (Pickell 1988).

Another important policy change also reveals the intention of the administration. In 1985, an Admission Study Group headed by Leonard Kuhi, Provost and Dean of the College of Letters and Science (L and S), drew up and put to limited use a set of supplemental admission criteria, most of which did not measure an applicant's competitive excellence and some of which were quite subjective (ATFUA 1985a). These non-academic criteria were modified and more broadly applied in 1986 and again in 1987 to screen applicants in the competitive channel (California Auditor-General 1987; ATFUA 1987). According to the University, these criteria were introduced to enable the admissions office "to make better distinctions between the various (competitive) applicants" and "to determine qualities considered by the Academic Senate to be relevant to Berkeley students" (UCB 1987a). From these added criteria and the differential weight assigned to each, it is clear that the intent is to admit well-rounded individuals. In other words, beyond competitive excellence, some unprotected applicants, mostly Whites and Asian Americans, must compete on non-academic criteria as well.

By this decision, the administration created a secondary channel within the competitive channel to admit a different type of freshmen (UCB 1987a). In promulgating these additional criteria, the administration gave no rationale, conducted no adverse impact study prior to adoption, solicited no input from Asian American constituencies, and provided virtually no advance notice to the 1985 applicants. As subsequent investigation revealed, the decision was made again without prior participation and approval of the Senate Committee on Admissions and Enrollment: it was approved only retroactively.

These new criteria came to be known as "supplemental criteria" or "selection criteria" and their implementation was first disclosed in a report assembled by Assistant Vice Chancellor Bud Travers in response to mounting public criticism over the Asian admission issue in January 1987 (UCB 1987a). Up to 1,300 points were to be added to an applicant's Academic Index Score under seven criteria: 200 points for California residence, 200 for EOP eligible, 200 for 4 years of Math or 3 years of laboratory science, 100 for 4 years of one foreign language or 2 years of two foreign languages, 100 for exemption from Subject A (remedial English), 100 for high school that does not offer two honors courses in junior year, and 500 for an essay that demonstrates leadership, character, motivation, and accomplishments in extracurricular activities. Only 1,500 out of over 20,000 applicants were subjected to the additional screening in 1985 and only 3,000 in 1986.

Again, on the surface, the additional criteria appear to be neutral. In actuality, they have built-in bias against the majority of Asian American applicants who are of immigrant and refugee background. For example those aspects that gave additional points to those applicants who were exempt from remedial English, who had four years of a foreign (European) language, and who demonstrated leadership potentials through their extracurricular activities appear designed precisely to make a large number of Asian Americans less competitive than White applicants (UCB 1980 §§ 1982a, b; Lye 1986; Nakao 1987; Hickey 1986, 1987c). (Based on publicly announced admission criteria, most Asian immigrant parents had discouraged, if not prohibited their children from participation in extracurricular activities because most of them had assumed such activities to be worthless for gaining access into the most academically selective universities). In addition, questions could be raised on the limited use of these criteria to only a small, selected segment of about 18% of the total freshman class. Needless to say, there is no basis for verifying the claims in the essay which carries up to 500 points.

The above policy changes explain in part what has happened since 1983, how these changes adversely affected Asian American admissions, and by their impact what the intent was behind the changes. Questions could be raised also on how UC recruited and processed Asian American applicants who qualified under the Special Action program and how UC recruited and admitted Asian Americans who were athletes, veterans, disabled, or special talents (UCB 1988; Cesa 1988). Just as important to the institution committed to academic excellence is how it intends to prevent obviously top-performing students, like Steve Ta and Yat-pang Au, two highly publicized cases in 1986 and 1987, from being denied admission (Hickey 1986; Nakao 1987; Matthews 1987).

Unfortunately the Berkeley experience is not unique. The Asian American freshmen and admissions rates at UCLA also started to decline in 1983 (Nakanishi 1988). The percentage of Asian American freshmen dropped from 19.7% in 1982 to 18.7% in 1983 to 15.9% in 1984 (UCLA 1985). During the same period, the admission rate for Asian American freshmen declined from 62.1% in 1982 to 40.7% in 1984 while the rate for all freshmen decreased only from 62.1% to 53.9%. The total number of Asian American undergraduates dropped from 4,640 in 1983 to 4,185 in 1985 (Fanucchi 1985).

These UCLA figures make sense when placed against a 1984 internal planning paper written by Rae Lee Siporin, UCLA Admissions Director (UCLA 1984; California Assembly 1988). In this confidential paper on issues of undergraduate enrollment, Siporin made it perfectly clear that "race" remains a key concept in the planning process: "This campus will endeavor to curb the decline of Caucasian students... A rising concern will come from Asian students and Asians in general as the number and proportion of Asian students entering at the freshmen level decline -- however small the decline may be." Maintaining a certain racial character of the institution is clearly a top priority.

Overrepresentation of Asian American students is likewise a major preoccupation of nine-campus UC president, David P. Gardner. In an Associated Press story, dated December 12, 1986, Gardner said that "changes (in admissions policy) are needed because Asians comprise more than 20% of the undergraduate enrollment at UC campuses but make up only 6% of the state's population" (Tribune 1986; Scott-Blair 1986; San Diego Union 1986). He labelled this phenomenon "overrepresentation" and "racial imbalance" and claimed that it was having "an adverse effect on the (UC) systems' attempts to increase Hispanic and Black enrollment." He even candidly admitted that the "overrepresentation" has caused "unrest" among some ethnic groups,

"including Whites," who had been experiencing a decline in representation. To rectify the situation, he called for new legislation to make UC enrollment "more accurately reflect the population (of California)."

By implication, Gardner is suggesting that the overrepresentation of Asian Americans is preventing UC from increasing its underrepresented minorities or that affirmative action is a factor affecting Asian American admissions. Such analysis is hardly correct. Asian American and White applicants do not compete with applicants in the protected categories. By taking this position, Gardner is at odds with what most elite universities accept as principles guiding their admission practice: academic excellence and egalitarianism. The two principles are not considered contradictory. The two-tier system is designed precisely to accomplish these two principles and to avoid competition between tiers. There is, however, grounds to conclude that Gardner holds a different view. Gardner reiterated his view in a National Public Radio interview in November 1987 in which he directly commented on the two principles, "We are being asked to accomplish society goals and to attain educational objectives that are not wholly, but substantially, contradictory" (National Public Radio 1987).

In a speech before the Commonwealth Club in San Francisco on October 29, 1987, he again stated his position and said that it was UC's policy to admit students of varied backgrounds, rather than simply fill up the freshmen class with straight-A students (Smith 1987). He said, UC should not be defensive about admission policies that strive for a diverse class at popular campuses, even if it means redirecting (a euphemism for rejecting) qualified students and explaining to Asian Americans that other UC campuses have something to offer, too. In short, it was appropriate for a UC campus to reject academically excellent students, not on meritocratic grounds, but in the name of diversity. Diversity, a concept used in Bakke to legally justify university's use of an affirmative action program to bring in historically discriminated, underrepresented racial minorities and to enrich the learning environment, suddenly became a basis for setting an unspecified upper limit of enrollment for the "overrepresented" Asian Americans, regardless of their qualifications. The new notion of diversity, however vaguely defined by Gardner, signals a departure from the meritocratic principle. Its implementation is aimed more at preventing overrepresentation of Asian Americans than at admitting underrepresented Blacks and Hispanics in accordance with their percentages in the California population. In short, Gardner's objective is to control the rising Asian American and declining White enrollment trends without fully and logically conceding to the principle of proportional representation based on race. Diversity, in this sense, is an affirmative action program for less competitive White applicants and tokenism for the underrepresented minorities.

To prevent the overrepresentation of Asian American students, university administrators use their discretionary power to devise stop-gap measures or new selection criteria, without adequate public input and knowledge, with the intent to slow down or reverse their accelerating rate of admission. On the surface, these additional criteria, most of which are non-academic or subjective, appear to be neutral and fair. In practice they have adversely impacted Asian American applicants most of whom are of immigrant or disadvantaged background. The secret manner by which these measures were developed and carried out by a tax-supported institution is questionable if not illegal. Finally, the callous manners by which university officials have been handling the legitimate concerns raised by Asian American educators and leaders also leaves much to be desired and creates a crisis of public trust in the institution (Lye 1987).

RECENT DEVELOPMENTS IN PRIVATE ELITE UNIVERSITIES

The increase in Asian American applicants to private elite universities on the East Coast mirrors the Berkeley and UCLA experience. For example, Harvard reported 16% of its 1985 applicants were Asian Americans, while Princeton showed 17% and Yale 18% (Hu 1987b; Bunzel and Au 1987). The Asian American applicant pool at Yale in fact doubled between 1981 and 1986 (Romanoff 1986). At MIT Asian Americans made up only 5% of the 1976 freshmen class (Hu 1986). In 1985 the Asian American percentage was nearly 18%. According to a projection by Authur Hu, if the criteria and procedures remain unchanged, the percentage of Asian American freshmen at MIT could reach 40% by 1990 and 57.3% by 1995, leaving only 25.8% Whites and 16.9% for other minorities (Hu 1985). Continuing the upward trend, the 1986 freshman class at MIT, Harvard and Stanford registered at 21%, 13.3%, and 14.7% respectively. By any yardstick, these are startling figures when we contrast them with the meager Asian American population in the U.S. Only one other immigrant group, the Jews from Eastern Europe in the pre-war era, succeeded in launching a comparable assault on these privileged institutions.

In spite of their impressive growth in the applicant pool among elite East Coast universities in the last decade, "the actual number of Asian Americans who were admitted increased only slightly, if at all. The percentage of Asian Americans being admitted continues to lag behind admission rates for all other ethnic groups, including Whites" (Ho AND Chi 1983). Many Asian American leaders and educators began to question whether an informal quota system for Asian Americans was present (Winerip 1985; Biemiller 1986; Hassan 1986-87; Lindsey 1987; Newsweek 1987). The phenomenal 846% increase in the number of Asian American applicants to Brown between 1975 and 1983 resulted in only a 276% enrollment increase. In fact, a study by Asian American students at Brown found that Asian American admission rates began dropping in 1980 (Brown 1983). The clue to this abnormal development lies in the admission rates. In 1983, the overall rate of admissions for all freshmen was 20.4%, but only 14% for Asian Americans. Similar disparities in the rates were found at other institutions in 1985: 15.9% vs. 12.5% at Harvard, 17% vs. 14% at Princeton, and 18% vs. 16.7% at Yale (Hu 1987b; Bunzel AND Au 1987; Au 1987). In a 1985 national survey of admission rates among the "most selective" four-year private institutions, Asian Americans registered 30% in comparison to 34% for all applicants (Hsia 1988).

The inevitable question is whether such disparities could be explained by the relative qualifications of Asian American and White applicants. Information on test scores in these universities as a rule is treated as confidential, therefore unavailable. However, a classified report prepared by the Consortium on Financing Higher Education (COFHE) in 1982 that was made available to me provides a rare glimpse into this undisclosed aspect of admission decisions (COFHE 1984). For example, Harvard University reported having 9,309 White applicants and 1,310 Asian American applicants in 1982 and their average combined SAT scores were respectively 1,258 and 1,251, or no significant difference. Yet the admission rate for Whites was 19% and for Asians only 14%. Even more revealing was the average combined SAT scores of the matriculants: Asian American freshmen had an incredible 122-point edge over the Whites (1,462 vs. 1,340). In the following year, 1983, there were 8,609 White and 1,375 Asian American applicants to Harvard and the admission rates were respectively 20% and 14%. The average combined

SAT scores for the White and Asian American applicant pool were identical: 1,268. But the averages for White and Asian American freshmen were respectively 1,354 and 1,401, again a 47-point difference in favor of Asian Americans. In spite of these data, Harvard repeatedly denied allegations of racial discrimination and claimed that the lower admission rate for Asian Americans was the result of preferences given to athletes and children of Harvard alumni (Winerip 1985; Neer 1985; Robbins 1985; Chao and Fitzsimmons 1988). However, no data are available to independently verify Harvard's claim.

At another Ivy League university, Brown, where the alumni legacy is just as strong, in response to charges of discrimination based on disparity in admission rates between Asian American and White applicants, the Corporation's Committee on Minority Affairs conducted an investigation in 1985. The committee concluded unanimously that "an extremely serious situation exists and that immediate remedial measures are called for" (Brown 1985). Nevertheless, controversies over the persistent disparity has continued over Brown's insistence that too many Asian American applicants were pre-med students (Brown 1986).

At Stanford University, the admission rate for Asian American applicants ranged from 66% to 70% of the rate of Whites between 1982 and 1985, according to a report released November 1986 by the Stanford faculty senate in response to questions raised by Asian American students (Stanford 1986). However, the faculty senate found that the disparity did not arise from: (1) an implicit quota; (2) lesser academic or non-academic ratings for Asian American applicants; (3) interaction with other factors, such as gender or geographic origin; (4) differences in the prospective choice of academic major; or (5) differences in such special groups as alumni legacies, faculty-staff children, and athletes, except in a relatively minor way. Instead, it acknowledged possible "unconscious biases" against Asian American applicants:

The remaining alternatives, which do not yield easily to numerical analysis, are that real differences may exist between Asian Americans and Whites in the subjective data on which admissions decisions are based and/or that unconscious biases have influenced admissions decisions. For example, Asian Americans as a group might rate themselves, and be rated by others, as more narrowly focused in their interests than the White group. Alternatively, or in addition, ethnic stereotyping might interact with subjective ratings in the minds of (admissions application) readers to create an aggregate portrait that is unintentionally detrimental to Asian Americans. For instance, it is possible that descriptions of 'focus interest,' especially in science or engineering, might be interpreted positively when applied to Whites ('the student delves deeply into one topic and learns it thoroughly') and negatively when applied to Asian Americans ('the student has narrow interests') (Stanford 1986).

The faculty senate recommended a sweeping reform designed "to reduce or eliminate unconscious discrimination against Asian American applicants." Miraculously and coincidentally, as the faculty report was being prepared, the admission rate for Asian Americans moved up substantially to 89% of Whites in fall 1986 and the percentage of Asian American freshmen jumped more than 100%, from 119 in 1985 to 245 in 1986 (Au 1987; Bunzel and Au 1987). The Asian American admission rate rose from 15.4% in 1986, to 17.1% in 1987, to 17.4% in 1988.

Without conceding to any wrong doing, Stanford University succeeded in identifying some problems, making timely corrections and most importantly, defusing effectively the mounting suspicion and criticism coming from the Asian American community. No wonder Provost James Rosse called the extraordinary study "one of the most careful pieces of academic analysis and statesmanship I've seen in quite a while."

Available data, therefore, suggest that Asian American applicants to many of the most exclusive institutions of higher education do possess academic qualifications equal to or better than Whites. Yet their admissions rates continue to lag behind their white peers. Most of these institutions denied any wrong doing. Few took the trouble, like Brown and Stanford did, to look into the problem and initiate corrective measures to prevent either conscious or unconscious discrimination. It is, therefore, difficult not to concur with the tentative conclusion of John H. Bunzel and Jeffrey K. D. Au that "Asian American admission rates have been determined more by the policies, preferences, and practices of college admissions officers than by the qualifications of Asian American applicants" (Bunzel and Au 1987). The unexpected surge of highly qualified Asian American applicants to these institutions led many of the admission officers to exercise their discretionary power to prevent the overrepresentation of this racial group, and possible to fundamentally change the traditional character of their institutions.

Implications of Recent Policy Changes

From the above analysis, it is clear that Asian Americans, in light of their diverse class backgrounds, can be considered an emerging, competitive status-group in the U.S. (Karabel 1984). It is the first and only non-White minority group to succeed, unassisted, in penetrating the traditional aristocratic strongholds maintained historically and socially with class biased and allegedly universalistic meritocratic criteria. To maintain their privileged status and to perpetuate their domination in these White citadels of knowledge and power, to use Duster's analysis, they have been forced in the 1980's to modify their admissions criteria in order to slow down the Asian American "invasion," much like what these same institutions had to do from **1918** to 1947 when they discovered the "Jewish Problem" (Synnott 1979; Steinberg **1981**). To these elite institutions, Asian American students constitute a "New Yellow Peril," an upwardly mobile, competitive status-group seeking access to tightly-controlled, scarce resources, and ultimately, a share in the power and privilege of the dominant elite. After all, these are the traditional institutions from which America recruits her future leaders or elite. The inevitable response is to protect the organizational interests and to make sure the dominant power will continue to control these institutions and to derive benefit for themselves.

This has been accomplished by redefining the concept of diversity used in Bakke to justify the use of affirmative action programs to admit underrepresented minorities through the non-competitive channel. Under this new and expanded definition, the university now uses the concept of diversity to impose an undisclosed upper limit or ceiling on the highly competitive, but "overrepresented" Asian Americans in the competitive channel, clearly an unintended and unanticipated use, indeed, prohibited by Bakke. In public policy terms, diversity is to be achieved with the introduction of some non-academic and subjective criteria in the screening process. On the surface, these new criteria appear to be fair and racially neutral. But as the above analysis demonstrates, they have had an adverse

impact on Asian American applicants and indeed, were designed to curb the rising Asian American and declining White enrollments. In other words, they are additional criteria incorporated into a new affirmative action program, built on a newly defined principle of diversity, for less competitive White applicants. The elimination of the EOP program for Asians and Whites and the admission of larger numbers of Whites under various color-blind, but protected categories in fact accounted for the disparity between White and Asian American students at UC Berkeley and other elite private institutions (UCB 1988).

However, by introducing these new criteria for tier-one admissions, the university also redefines and indeed, contradicts their earlier universal concept of merit and academic excellence. The rationale for these newly defined universal criteria is the need for diversity, especially ethnic and geographic diversity, and to avoid "overrepresentation" of Asian Americans. Diversity, of course, was the concept used for decades by the Ivy League universities to limit Jewish students to a small quota. Now the same concept is being used to curb the "overrepresentation" of Asian American students. UC President Gardner said he was opposed to any racial quota, but he also said,

It seems to me that if we continue on the present path (of admitting the highly qualified Asian American students), it inevitably will lead to quotas, so I don't wish to continue on this path. I wish to change paths... I want to build into our admissions process criteria that take account of ethnicity for purposes of assuring a pluralistic student body responsive to the changing demographics of California, but only as part of a number of criteria that we apply for the purpose of assuring that an entering freshman class is possessed of the kind of experience, potential, ethnic differences, social differences, rural and urban differences and so forth to enrich the whole learning environment and experience that these young people have. . . We will apply some of the criteria the private institutions routinely apply in making judgements about who to admit so that the freshmen class is diverse (San Diego Union 1986).

In both language and tone, this statement is reminiscent of what President Lawrence Lowell of Harvard said some 60 years ago when he was confronted with a large pool of highly qualified Jewish applications from the New York area. Lowell made it clear that he wanted diversity. I am not opposed to the use of additional criteria to bring in promising students, especially those who were currently underrepresented. However, to follow Duster's (1976) analysis, the new criteria, introduced in the name of a newly defined diversity, are prejudicial, unfair, and discriminatory to Asian Americans, and their use is designed solely to provide a competitive edge for White applicants in the tier-one admissions and thereby to perpetuate the White domination in these institutions.

Even though Gardner expressed his distaste for the use of quotas, what he said about diversity and what he intends to do, i. e., rely heavily on subjective and non-academic criteria -- will inevitably lead to an arbitrary limit of Asian American access, hence a quota. This, in fact, is what has been happening at UC Berkeley and at some private elite universities. This development is perhaps one of the major unintended and certainly unanticipated abuses of the discretionary power authorized by the Bakke decision in 1978: setting an upper numerical limits in the competitive admission process solely on the basis of race and requiring individual applicants to have diverse backgrounds. It is certainly one

legal issue that may have to be resolved in the future by another U.S. Supreme Court decision.

The introduction of non-academic and subjective criteria to achieve diversity means also a redefinition of the mission or goal of these research oriented institutions traditionally committed to the pursuit of academic excellence. There is clearly a limit to the extent that these new criteria are to be carried out without seriously undermining these institutions' commitment to competitive excellence. Without restraint, this new development could destroy these institutions and in the process deprive this nation of one of its most valuable national resources. Unfortunately, for the time being, political expediency takes priority over thoughtful reflection.

Ironically, this has come about precisely at the time when the political and economic elite of the nation has been trying to build a national consensus on the need to improve the nation's schools and to renew our commitment to academic excellence. At the forefront of this movement is the National Commission on Excellence in Education, led by none other than David P. Gardner (National Commission on Educational Excellence 1983). In its 1983 final report, A Nation at Risk, the Commission wrote:

Our Nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world... We report to the American people that while we can take justifiable pride in what our schools and colleges have historically accomplished and contributed to the United States and the well-being of its people, the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people. What was unimaginable a generation ago has begun to occur -- others are matching and surpassing our educational attainments... We have, in effect, been committing an act of unthinking, unilateral educational disarmament... If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

These are very strong, if not exaggerated Cold War rhetorics, quite contradictory, in both language and tone, to the words used to justify the rejection of straight-A Asian American students and to advocate diversity and use of non-academic and subjective criteria. By failing to clarify the precise meaning of diversity, excellence and egalitarianism and setting the limit for the use of these new criteria, Gardner is in fact exposing the University to mediocrity and committing "an act of unilateral educational disarmament." When a major university president says he does not want to "simply fill up the freshman class with straight-A students" and when this same university has been rejecting large numbers of the top students in the nation, what kind of message is he conveying to the students of the nation? If the university is prepared to admit eligible students whose GPAs range from 3.3 to 4.0, why not, to be perfectly fair, simply admit applicants within this range by lottery!

In the late 19th and early 20th centuries, the U.S. Congress enacted a series of exclusionary immigration laws to halt the old "Yellow Peril" and passed discriminatory laws to permanently disenfranchise and suppress those Asians who chose to remain in the U.S. During World War II, the U.S. government, succumbed to racist hysteria, invoked national security concerns to incarcerate 110,000 innocent Japanese Americans. In the 1980's, in response to a new "Yellow Peril" syndrome, the liberal and enlightened

universities of America have been busy erecting comparable exclusionary measures to prevent overrepresentation of Asian Americans in these institutions. The only problem is that these new schemes tend to undermine the traditional rhetoric of meritocracy and to conflict with the national drive to improve the quality of education.

CONCLUSIONS

In the pre-war period, the elite universities solved the "Jewish Problem" by imposing a strict quota for Jewish enrollments (10% to 15%) and by redesigning an affirmative action program for White Gentiles that called for, as in the case of Harvard, scholarship, geographic diversity and "character and fitness and the promise of the greatest usefulness in the future as a result of a Harvard education." Others added non-academic criteria to the existing meritocratic criteria, notably, religious and social criteria and culturally biased character evaluation, to academic qualifications to effectively prevent Jews from overrepresentation. Dartmouth even mobilized its alumni to interview, screen and reject Jewish applicants. Dartmouth's President defended his action, with liberal rhetoric, as the only way to prevent anti-Semitism from increasing in the U. S. as it had in Nazi Germany. Or, as Harvard President Lawrence Lowell told the New York Times on June 17, 1922, "If every college in the country would take a limited proportion of Jews, we should go a long way toward eliminating race feeling among the students, and, as these students passed out into the world, eliminating it in the community" (Synott 1981).

In light of what happened to the Jewish applicants in the pre-war period and what has been encountered by Asian Americans applicants in the 1980's, we are compelled to ask if these same institutions have now discovered an "Asian American problem" in the 1980's and if their recent changes in admission criteria with added emphasis on non-academic and subjective criteria, student body diversity and well-rounded individuals were calculated efforts aimed at solving the problem of "overrepresentation" or meeting the racial "unrest" noted by UC President Gardner.

When Bud Travers, Assistant Vice Chancellor for Undergraduate Affairs at UC Berkeley, advised Asian Americans in his January 1987 report, that "Cal (UC Berkeley) is only one of eight UC campuses with undergraduate programs, and every student in California who is UC eligible can be accommodated at one of these campuses, but not necessarily at Cal," we are likewise compelled again to ask if he was telling Asian Americans that the Berkeley campus had reached its toleration level for Asian Americans, much like the Presidents of Harvard and Dartmouth did to rationalize, with good intention, their small Jewish quotas (UCB 1987a). Whether Asian American applicants are willing and financially able to attend UC campuses away from their homes which happen to concentrate mostly in the San Francisco and Los Angeles areas appears to be a problem UC considers immaterial and irrelevant.

In conclusion, the current efforts to limit Asian American access to high quality education is in fact another manifestation of a very old anti-Asian racism deeply woven into the fabric of our society and imbedded in our culture and national consciousness. This anti-Asian sentiment has existed as long as the history of the nation, as Stuart Miller persuasively demonstrated in his book, The Unwelcome Immigrant (Miller 1969). It surfaced periodically in waves of anti-Asian movements, in the second half of the 19th and throughout the 20th centuries. (Saxton 1971; Daniels 1962; Saniel 1967). This sentiment has recently surfaced again because of the

growing presence, assertiveness and perceived competition of different classes of Asian Americans across the nation. The proliferation of anti-Asian violence, the demands for more restrictive and selective immigration laws, and the rise of the English-only movement in both public education and electoral process are some of the latest manifestations of this racist sentiment (U.S. Commission on Civil Rights 1986; Break the Silence Coalition 1986; Asian American Resource Workshop 1987). At the root of these manifestations is a shared conviction or attitude that Asian Americans are simply "foreigners," not Americans. They are not entitled to have the same rights and privileges as American citizens. Asian Americans, as an emerging group in the 1980's, should get only what they are given and what is given can be taken back at will. This is the prerogative of those in control of the power and distribution of scarce resources. They also have the right and power to redefine values and criteria to perpetuate their domination. Considering their collective contributions to the postwar U.S. economy and development of science and technology, it is ironic that Asian Americans should now become the victims of their own success.

The issue of diversity is a legitimate one, not to be dismissed lightly, even if it is being used as a pretext to limit or exclude any racial minority. It should be discussed, studied and debated by all affected parties. Whatever meanings and values attached to the concept and ultimately adopted by universities in the admissions process should be fair and relevant to the higher missions of these universities and, potential students should be given ample time to meet the new requirements.

Finally, universities, public or private, should allow full access to their admission policies and data to avoid suspicion and abuse of power. Asian Americans are not asking numerical increase in enrollment nor are they challenging the merit of existing affirmative action programs. They are, instead, asking only for a fair and equal treatment in universities accorded Whites and they are demanding equal participation in decision-making processes. In other words, Asian Americans want only equality and justice, no more and no less.

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TABLE 1
Admission Rates at UC-Berkeley for Whites and Asian Americans
1981-1987

| Year | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987 |
|----------------|------|------|------|------|------|------|------|
| Asian American | 50.4 | 60.3 | 66.8 | 45.0 | 44.4 | 28.4 | 27.7 |
| White | 54.3 | 64.5 | 70.5 | 56.4 | 52.3 | 32.7 | 31.4 |

Source: UCB 1988a.