

# The Racial Triangulation of Asian American Achievement

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*This Essay employs Professor Claire Jean Kim's racial triangulation framework to examine how Asian Americans are racialized via academic achievement. It argues that there are two components to the racial triangulation of Asian American achievement. On one hand, Asian Americans are valorized as a "model minority". We are praised for our achievement and cast as a model for other groups of people of color to follow. This ignores both the different histories of oppression that various groups of color have faced and the vast diversity of experiences among Asian Americans. But on the other hand, Asian Americans are also viewed as a threat to White dominance precisely because of our high achievement. For many privileged White Americans, we become a "peril of the mind"—a menacing foreign presence in elite educational spaces. This Essay focuses mainly on the peril of the mind phenomenon, which is much less widely acknowledged and theorized than the model minority. It examines peril of the mind in both higher education and K-12 education, examining affirmative action, admissions controversies, and the "new White flight". It argues that conservatives have thus far acknowledged and addressed animus against Asian American achievement more than progressives, and that they have used both model minority and peril of the mind stereotypes to attack affirmative action and racial equity initiatives. Ultimately, the Essay is a call for progressive advocates of these initiatives to be more vigilant in recognizing that Asian Americans are not weaponized as model minorities, but that we are also viewed as a threat because of our achievement.*

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## INTRODUCTION

About ten years ago, I was speaking with a respected colleague—a progressive white American racial justice advocate who had worked for years to promote racial equity in education. My colleague lamented the well-known racial and socioeconomic disparities in average SAT scores.<sup>1</sup> He had long advocated for the elimination of the SAT in college admissions, arguing that it was a barrier to college access for Black, Latina/o, and Native American applicants.<sup>2</sup> This had been to no avail. But now, my colleague had a new idea. Rather than focusing on the groups that score lower on average than white Americans, he wanted to focus instead on the one group that scores higher: Asian Americans.<sup>3</sup> He wanted to argue that the high performance of Asian American on the test was a problem. My colleague believed that the SAT would more likely be discarded, not due to its adverse effect on the admission of underrepresented groups, but rather because many white Americans resented the success of Asian Americans on the exam.<sup>4</sup>

Needless to say, I objected. Not simply because I am Asian American, but because it is never good to promote animus against one group to advance the cause of another—even a noble cause. Eventually, I got my colleague to discard the idea. But this episode underscored for me the need for a more sophisticated and nuanced conversation about the racial positioning of Asian Americans—particularly in controversies around elite admissions and education. And as an Asian American who has long been a progressive advocate for racial equity in education, it is in this vein that I write about the racial triangulation of Asian American achievement.

## I. RACIAL TRIANGULATION

In her racial triangulation framework, Professor Claire Jean Kim notes how Asian Americans are simultaneously valorized and ostracized within the realm of U.S. racial dynamics.<sup>5</sup> Through a process of “relative valorization,” we are exalted over more marginalized groups, such as Black Americans, and framed

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1. See, e.g., Richard V. Reeves & Dimitrios Halikias, *Race Gaps in SAT Scores Highlight Inequality and Hinder Upward Mobility*, BROOKINGS INST. (Feb. 1, 2017), <https://www.brookings.edu/articles/race-gaps-in-sat-scores-highlight-inequality-and-hinder-upward-mobility/> (“[I]nequalities in the SAT score distribution reflect and reinforce racial inequalities across generations.”).

2. *Id.*

3. See Jay Caspian Kang, *Asian American Student Success Isn't a Problem*, N.Y. TIMES (July 14, 2022), <https://www.nytimes.com/2022/07/14/opinion/asian-american-student-success.html>.

4. Elimination of standardized entrance tests is at the heart of many legal and political controversies involving Asian Americans. See Vinay Harpalani, *Asian Americans, Racial Stereotypes, and Elite University Admissions*, 102 B.U. L. REV. 233, 304–06 (2022) [hereinafter Harpalani, *Elite University Admissions*]; see generally Vinay Harpalani, *Testing the Limits: Asian Americans and the Debate over Standardized Entrance Exams*, 73 S.C. L. REV. 759 (2022) [hereinafter Harpalani, *Testing the Limits*] (describing the tensions between Asian Americans and other people of color due to the use of standardized tests).

5. Claire Jean Kim, *The Racial Triangulation of Asian Americans*, 27 POL. & SOC'Y. 105, 107 (1999).

as superior to those groups.<sup>6</sup> The well-known “model minority” stereotype—the view of Asian Americans as high achievers because of our work ethic and cultural values—is a hallmark example of relative valorization.<sup>7</sup> However, through “civic ostracism,” we are portrayed as “immutably foreign and unassimilable”—a characterization that justifies our own marginalization and exclusion.<sup>8</sup> Additionally, because of our educational success, Asian Americans can also be viewed as a threat to white dominance—a “peril of the mind.”<sup>9</sup> Drawing from Professor Kim, I refer to this duality as the racial triangulation of Asian American achievement.

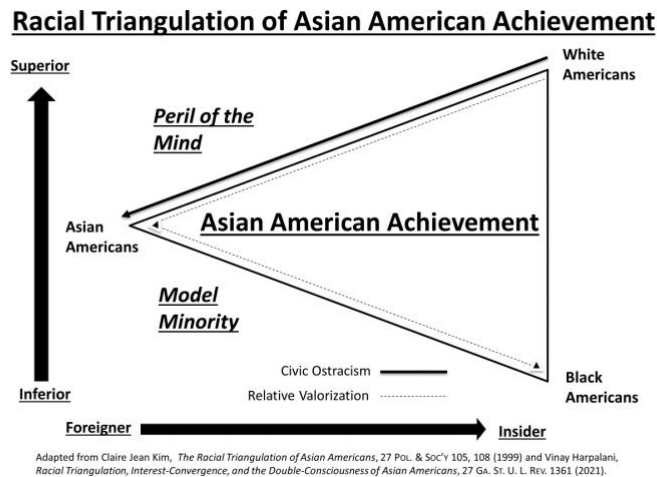


Figure 1: Racial Triangulation of Asian American Achievement

The racial triangulation of Asian American achievement has two components: model minority and peril of the mind.<sup>10</sup> In this Essay, I focus mostly on the latter because it is underrecognized and undertheorized.<sup>11</sup> But the model minority is an important starting point to understand the racial positioning of Asian Americans, and I cover that first.

## II. MODEL MINORITY

Although the idea of Asian Americans as a model minority dates back well over a century, it took off in its modern iteration after the Immigration Act of

6. *Id.*

7. *Id.*

8. *Id.*

9. Harpalani, *Elite University Admissions*, *supra* note 4, at 254–56, 267.

10. Kim, *supra* note 5, at 108; Vinay Harpalani, *Racial Triangulation, Interest-Convergence, and the Double-Consciousness of Asian Americans*, 27 GA. ST. U. L. REV. 1361, 1361 (2021).

11. Many scholars have discussed and analyzed the model minority. See, e.g., Harpalani, *Elite University Admissions*, *supra* note 4, at 245–49.

1965.<sup>12</sup> World War II altered the global landscape, and the United States and the Soviet Union became the dominant powers of the world.<sup>13</sup> As the two nations competed for global influence and technological superiority, Americans began to fear that they were falling behind in the race for scientific and technological development.<sup>14</sup> The Soviet Union was winning the “space race” in the late 1950s and early 1960s, sending both the first satellite and the first cosmonaut into space.<sup>15</sup> The United States needed more scientists, engineers, and other professionals trained in technical fields.<sup>16</sup> At the same time, China, India, Korea, and other countries had an excess of such professionals without many opportunities in their homelands.<sup>17</sup> The Immigration Act of 1965 served the interests of both the United States government and these technically trained professionals in Asian countries.<sup>18</sup> The Act raised annual immigration quotas from these countries, and it created a system of immigration preferences that favored educated, skilled workers.<sup>19</sup>

Consequently, a significant percentage of post-1965 immigrants from Asian countries were highly educated and poised for upward mobility and achievement.<sup>20</sup> Although they faced different forms of discrimination, many of these Asian immigrants did not experience the transient enclave status of other immigrant groups, much less the seemingly permanent caste-like status and residential segregation that many Black and Latina/o Americans have experienced.<sup>21</sup> Rather, they lived and raised their children with the social, cultural, and economic capital of educated, upper middle class families.<sup>22</sup> Even after the government curbed back occupational immigration preferences,<sup>23</sup> many Asian immigrants used family-related immigration preferences and had access to some of the same advantages.<sup>24</sup> First- and second-generation Asian Americans with these backgrounds employed their capital to become high-achieving students and successful professionals—thus catapulting the model minority stereotype.

Conservatives have employed this stereotype to hold Asian Americans as the benchmark for other groups. This is problematic, as it pits different groups of people of color against each other on issues such as affirmative action and other racial equity initiatives.<sup>25</sup> Educated, voluntary immigrants, such as many

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12. Immigration and Nationality Act of 1965, Pub. L. No. 89-23, 79 Stat. 911.

13. See Harpalani, *Elite University Admissions*, *supra* note 4, at 245.

14. *Id.* at 246.

15. *Id.*

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.* at 246–47.

20. *Id.* at 247.

21. *Id.*

22. *Id.*

23. *Id.* at 247.

24. *Id.*

25. *Id.* at 248.

Asian Americans, have many advantages over involuntary minority groups, such as Black Americans and Native Americans, who have been oppressed for generations and did not become part of the United States on their own terms.<sup>26</sup> And importantly, not all Asian Americans have attained educational and economic success.<sup>27</sup> The model minority stereotype still obscures both the challenges that many Asian Americans face and the vast diversity among different Asian American communities.

### III. "PERIL OF THE MIND"

The model minority also has a flipside: "peril of the mind."<sup>28</sup> Asian Americans can be viewed as a threat precisely because of our achievements. The idea of "peril of the mind" draws upon "Yellow Peril" and "Dusky Peril"—xenophobic epithets once levied at East Asian American and South Asian American immigrants respectively.<sup>29</sup> Due to our educational and occupational success, Asian Americans have often been "seen as too competent, too ambitious, [and] too hardworking."<sup>30</sup> The term "peril of the mind" was coined by Professor Vijay Prashad, who cited Professor Gary Okihiro for articulating the concept: "In Gary Okihiro's useful account, the Asian presence in the United States is treated as . . . a peril of the mind[. . . [Which] refers to the fact of Asian success, that is . . . something unacceptable . . . to nativism."<sup>31</sup> Professor Okihiro further states: "[T]he model minority fortifies white dominance, or the status quo, but it also poses a challenge to the relationship of majority over minority. The very indices of Asian American 'success' can imperil the good order of race relations . . . ." "Asians can work too hard, study overmuch, . . . and thereby . . . 'flood' our schools and displace students . . . ."<sup>32</sup>

#### A. HIGHER EDUCATION

The peril of the mind phenomenon first became visible in higher education several decades ago.<sup>33</sup> By the late 1970s and early 1980s, there were large

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26. See JOHN U. OGBU, *MINORITY EDUCATION AND CASTE: THE AMERICAN SYSTEM IN CROSS-CULTURAL PERSPECTIVE* 21 (1978).

27. Harpalani, *Elite University Admissions*, *supra* note 4, at 312–14.

28. *Id.* at 254–56.

29. *Id.* at 254.

30. Susan T. Fiske, Amy J.C. Cuddy, Peter Glick & Jun Xu, *A Model of (Often Mixed) Stereotype Content: Competence and Warmth Respectively Follow From Perceived Status and Competition*, 82 J. PERSONALITY & SOC. PSYCH. 878, 880 (2002) (citing various empirical studies finding that Asian Americans are viewed as overly competent and competitive and "not sociable"); see Monica H. Lin, Virginia S. Y. Kwan, Anna Cheung & Susan T. Fiske, *Stereotype Content Model Explains Prejudice for an Envied Outgroup: Scale of Anti-Asian American Stereotypes*, 31 PERSONALITY & SOC. PSYCH. BULL. 34, 44 (2005).

31. VIJAY PRASHAD, *THE KARMA OF BROWN FOLK* 107 (2000) (citing GARY Y. OKIHIRO, *MARGINS AND MAINSTREAMS: ASIANS IN AMERICAN HISTORY AND CULTURE* 141–47 (1994)).

32. OKIHIRO, *supra* note 31, at 141.

33. DANA Y. TAKAGI, *THE RETREAT FROM RACE: ASIAN AMERICANS AND RACIAL POLITICS* 60 (1992) ("[T]he educational achievement of Asian American students was, and continues to be, followed by a wave of reaction.").

numbers of Asian American students enrolling at elite universities.<sup>34</sup> Professor Dana Takagi notes how white students at these universities began to feel resentful over the growing presence of Asian Americans.<sup>35</sup> They advised each other not to take classes that had large numbers of Asian American students,<sup>36</sup> seeing these students as “‘hordes’ of ‘unfair competition.’”<sup>37</sup> White students made up anti-Asian epithets for different elite campuses: Massachusetts Institute of Technology (MIT) became “Made in Taiwan” and the University of California, Los Angeles (UCLA) became “University of Caucasians Living Among Asians.”<sup>38</sup> They referred to buildings with large numbers of Asian American students as “[t]he Orient Express.”<sup>39</sup> Asian Americans were also called “damned curve raisers,” an epithet originally used against successful Jewish students in the 1920s and 1930s.<sup>40</sup>

Students were not the only ones making anti-Asian comments. Brown Admissions Director Jim Rogers allegedly remarked that the university could shrink its admitted class size “by cutting the first ten Kims off the top of the list.”<sup>41</sup> At Princeton University, one faculty member recounted that during the discussion of “a clearly qualified Asian-American [sic] student,” an admissions committee member stated pointedly, “we have enough of them,” and another said “you have to admit, there are a lot.”<sup>42</sup> Another faculty member suspected that there “may be subconscious [discrimination]” against Asian Americans.<sup>43</sup>

At the University of California Berkeley (UC Berkeley), Asian American scholars and community leaders created a task force in 1984, to examine why Asian American enrollment had dropped the previous year, and how changes to admissions policies would affect it in the future.<sup>44</sup> As the task force proceeded, University of California (UC) President David Gardner contended that Asian American “overrepresentation” at UC was a barrier to Black and Latina/o enrollment, and that it might lead to protest by these groups and by white

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34. See Sharon S. Lee, *The De-Minorization of Asian Americans: A Historical Examination of the Representations of Asian Americans in Affirmative Action Admissions Policies at the University of California*, 15 ASIAN AM. L.J. 129, 134 (2008) (“[B]etween 1976 and 1986, the proportion of Asian Americans in freshman classes grew from 3.6% to 12.8% at Harvard, from 5.3% to 20.6% at Massachusetts Institute of Technology, from 5.7% to 14.7% at Stanford, and from 16.9% to 27.8% at Berkeley.” (citations omitted)).

35. See TAKAGI, *supra* note 33, at 60.

36. *Id.* (“On many college campuses, college seniors only half-jokingly advised freshmen to avoid classes with high Asian enrollments.”).

37. *Id.*

38. *Id.*

39. *Id.*

40. Linda Mathews, *When Being Best Isn't Good Enough: Why Yat-pang Au Won't Be Going to Berkeley*, L.A. TIMES, July 19, 1987, at L22 (drawing parallels to quotas imposed on Jewish students in 1920s and 1930s).

41. TAKAGI, *supra* note 33, at 65.

42. Michael Winerip, *Asian-Americans Question Ivy League's Entry Policies*, N.Y. TIMES, May 30, 1985, at B1.

43. *Id.*

44. Mathews, *supra* note 40; see also Harpalani, *Elite University Admissions*, *supra* note 4, at 271 (describing the harmful impacts racial stereotypes have had on Asian Americans in relation to admissions to elite universities).

students.<sup>45</sup> Gardner later backpedaled from those comments.<sup>46</sup> The state of California conducted its own investigations, but did not find any conclusive evidence of discrimination by UC Berkeley.<sup>47</sup> Nevertheless, several of the Regents of the University of California criticized the admissions process, noting its “careless recordkeeping” and vagueness.<sup>48</sup> UC Berkeley’s Chancellor apologized and promised more transparency and involvement of Asian Americans in reviewing the admissions process.<sup>49</sup> A decade later, in 1995, the Regents would vote to eliminate the use of race as an admissions factor throughout the UC system.<sup>50</sup>

Although the percentage of Asian Americans at elite universities was already greater than in the general population, some believed that these universities did not want their campuses to appear too “foreign.”<sup>51</sup> Studies showed that admitted Asian American applicants had higher grades and test scores than other groups but were rated lower on non-academic criteria and personal characteristics.<sup>52</sup> It was against this backdrop that some prominent Asian Americans began to suspect that elite universities wanted to limit their numbers. Professor Ling-Chi Wang, founder of the Department of Ethnic Studies at UC Berkeley and a founder of Chinese for Affirmative Action,<sup>53</sup> opined that:

As soon as the percentages of Asian students began reaching double digits at some universities, suddenly a red light went on . . . . Since then, Asian-American [sic] admissions rates have either stabilized or declined. . . . I don’t want to say there’s a conspiracy, but university officials see the prevalence of Asians as a problem, and they have begun to look for ways to slow down Asian-American [sic] admissions. Are they scared of Berkeley’s becoming an Asian university? They’re shaking in their socks.<sup>54</sup>

Professor Wang also invoked the “Jewish quota,” opining that: “I don’t want to say it was a conspiracy, but I think all of the elite universities in America suddenly realized they had what used to be called a ‘Jewish problem’ before

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45. Harpalani, *Elite University Admissions*, *supra* note 4, at 271.

46. Mathews, *supra* note 40.

47. TAKAGI, *supra* note 33, at 91 (noting that the state’s findings were “largely descriptive and did not take a clear stand on the issue of discrimination”).

48. *Id.* at 95.

49. *Id.* at 96 (noting that UC Berkeley Chancellor announced that a special committee on Asian American concerns would have to be involved in evaluating admissions policies and “that he would establish an Admissions Coordination Board that would give interest groups an opportunity to respond and comment on . . . admissions policy”).

50. See Harpalani, *Elite University Admissions*, *supra* note 4, at 275–76.

51. David Ho & Margaret Chin, *Admissions: Impossible*, BRIDGE MAG., May 31, 1983, at 7, 8.

52. *Id.*; see also Winerip, *supra* note 42.

53. See Ling-chi Wang, UNIV. OF CAL., BERKELEY, ASIAN AM. & ASIAN DIASPORA STUD., <https://aaads.berkeley.edu/faculty/ling-chi-wang> (last visited July 2, 2024).

54. Mathews, *supra* note 40.

World War II, and they began to look for ways of slowing down the admissions of Asians.”<sup>55</sup>

At UCLA, Asian American Studies Center founder Professor Don Nakanishi commented that Asian Americans “have become victims of their own academic success,” are “viewed as a threat,” and that university administrators are “worrying about Caucasians becoming ‘underrepresented’ and about how to curb the decline of white students in the UC system.”<sup>56</sup>

There were formal allegations and investigations of discrimination at many elite universities, including Harvard, Princeton, Brown, Stanford, UCLA, and UC Berkeley. The U.S. Department of Education, Office of Civil Rights (OCR), conducted several investigations.<sup>57</sup> OCR concluded that UCLA had discriminated against several graduate students of Asian descent, and it ordered UCLA to admit these students.<sup>58</sup> Other universities, including Harvard, were cleared of discrimination, although some universities pledged to make admissions reforms and address the concerns of Asian American students.<sup>59</sup>

It is important to note that these allegations in the 1980s involved “negative action”: discrimination against Asian Americans specifically in comparison to white Americans.<sup>60</sup> This is distinct from affirmative action: race-conscious admissions policies to boost the numbers of Black, Latina/o, and Native American students.<sup>61</sup> Elite universities have always denied negative action but, until the decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*,<sup>62</sup> they admitted using affirmative action.<sup>63</sup>

Despite this distinction, the 1980s admissions controversies prompted conservative opponents of affirmative action to entangle it with negative action and conflate the two, culminating with *SFFA v. Harvard*.<sup>64</sup> And in a twist of irony, through their attacks on affirmative action, conservatives have weaponized not only the model minority—the stereotype of Asian Americans as high achievers—but also “peril of the mind”—the threat to white dominance

55. Robert Lindsey, *Colleges Accused of Bias to Stem Asians' Gains*, N.Y. TIMES, Jan. 19, 1987, at A10.

56. Mathews, *supra* note 40.

57. See Harpalani, *Elite University Admissions*, *supra* note 4, at 272–73.

58. *Id.* at 272.

59. *Id.* at 272–73.

60. Jerry Kang, *Negative Action Against Asian Americans: The Internal Instability of Dworkin's Defense of Affirmative Action*, 31 HARV. C.R.-C.L. L. REV. 1, 3 (1996) (defining “negative action” as “unfavorable treatment based on race, using the treatment of Whites as a basis for comparison”). Professor Kang notes that negative action only occurs if the White and Asian American applicants are similarly situated and the discrimination is based on race. *Id.* (“In analyzing whether negative action is in force, it is critical to keep every characteristic of the applicant constant except for race. Therefore, if a socioeconomically disadvantaged White were admitted in favor of a wealthy, privileged Asian American, this does not necessarily indicate that negative action is in effect. It may well be that the poor White was preferred not because of race but because of class.”).

61. See Harpalani, *Elite University Admissions*, *supra* note 4, at 260–64.

62. 600 U.S. 181 (2023).

63. Vinay Harpalani, *The Need for an Asian American Supreme Court Justice*, 137 HARV. L. REV. 23, 32–34 (2023) [hereinafter Harpalani, *Supreme Court Justice*] (responding to Angela Onwuachi-Willig, *Robert's Revisions: A Narratological Reading of the Affirmative Action Cases*, 137 HARV. L. REV. 192 (2023)).

64. *Id.*

posed by high-achieving Asian Americans.<sup>65</sup> SFFA cherry-picked and strategically deployed instances of racial animus and stereotyping.<sup>66</sup> Although Harvard was not found liable by OCR, SFFA still drew on the 1980s OCR investigations to build its case against Harvard.<sup>67</sup> OCR had reported that Harvard admissions reviewers' "recurring characterizations of Asian American applicants . . . were broadly consistent with stereotypes."<sup>68</sup> Asian American applicants were often described as "hardworking" but "quiet," passive, and deemed to be very good at math and science, but relatively poor at other subjects.<sup>69</sup> SFFA emphasized such stereotyping in its case against Harvard.<sup>70</sup> In particular, SFFA highlighted the fact Asian Americans still tend to be rated lower on Harvard's personal rating score, which assessed qualities such as "integrity, helpfulness, courage, kindness, fortitude, empathy, self-confidence, leadership ability, maturity, or grit," and depended on subjective ratings by reviewers.<sup>71</sup> SFFA also pointed to an instance where Harvard Dean of Admissions William Fitzsimmons seemed to engage in racial stereotyping, when he contended that Asian American applicants from rural areas were recent arrivals, whereas white applicants had lived in those areas for their whole lives.<sup>72</sup> While the district court in *SFFA v. Harvard* did not find intentional discrimination by Harvard, it did note that such differences had "not been fully and satisfactorily explained,"<sup>73</sup> and that implicit bias might be at play.<sup>74</sup>

Beyond the legal arguments, the notion of Asian Americans as a "peril of the mind" played a prominent role in SFFA's public campaign. SFFA brought forth recent incidents of anti-Asian animus at Harvard. For example, it pointed to one disturbing statement from a Harvard alum who explicitly asked the University to limit the number of "orientals" on campus.<sup>75</sup> SFFA showed that the Harvard Administration—then-President Drew Faust and then-Admissions Director Marilyn McGrath—was lax in its response to this incident, thanking the alum for his suggestion and failing to reprimand him.<sup>76</sup> Although not relevant to its legal case, SFFA used this lax response to create divisions, positing that

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65. *Id.* at 32–33, 38–39.

66. *Id.* at 32–33.

67. See Harpalani, *Elite University Admissions*, *supra* note 4, at 286–87.

68. *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 397 F. Supp. 3d 126, 154 (D. Mass. 2019), *overruled by* *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023).

69. *Id.* at 155.

70. See Harpalani, *Elite University Admissions*, *supra* note 4, at 287–89.

71. *Students for Fair Admissions, Inc.*, 397 F. Supp. 3d at 141.

72. See Brief for Petitioner at 21, *Students for Fair Admissions, Inc.*, 397 F. Supp. 3d 126 (Nos. 20-1199 & 21-707); Brief of Asian Am. Legal Defense & Educ. Fund et al. as Amici Curiae Supporting Respondents at 11 n.28, *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023) (Nos. 20-1199 & 21-707).

73. *Students for Fair Admissions, Inc.*, 397 F. Supp. 3d at 171.

74. *Id.*

75. Harpalani, *Elite University Admissions*, *supra* note 4, at 294–95.

76. *Id.* at 295.

Harvard would have been more vigilant in responding to similar comments made about Black students.<sup>77</sup> Additionally, SFFA drew a comparison between “Jewish quotas” at Harvard in the early twentieth century and alleged current discrimination against Asian Americans—an analogy that the Supreme Court alluded to when striking down Harvard’s admissions policy.<sup>78</sup> This is particularly ironic given that Professor Wang, a supporter of affirmative action, had drawn the same analogy when he was talking about negative action in the 1980s.<sup>79</sup> The Supreme Court’s *SFFA* ruling touched on many issues, one of which was that race constituted a “negative factor” in admissions for Asian Americans—a notion that derived in part from the “peril of the mind” arguments that SFFA made.<sup>80</sup>

## B. K-12 EDUCATION

The peril of the mind phenomenon is even more prominent in K-12 education, where it has also been weaponized by conservatives. The next battlefield for racial diversity and equity initiatives in education is magnet school admissions, where there are several pending lawsuits.<sup>81</sup> Like *SFFA*, many of these cases involved Asian American plaintiffs, including those in New York,<sup>82</sup> Boston,<sup>83</sup> San Francisco,<sup>84</sup> Montgomery County, Maryland,<sup>85</sup> Fairfax County, Virginia,<sup>86</sup> and Loudoun County, Virginia.<sup>87</sup> Although there are differences in the admissions policies, demographics, and local dynamics of these cases, they

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77. *Id.*

78. *Students for Fair Admission, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 217–18 (2023).

79. *See* Lindsey, *supra* note 55.

80. *See* Harpalani, *Supreme Court Justice*, *supra* note 63, at 29, 34.

81. For an overview of the magnet school cases, see generally Sonja Starr, *The Magnet School Wars and the Future of Colorblindness*, 76 STAN. L. REV. 161 (2024) (explaining the impacts of the Supreme Court striking down the use of race-based classifications in university admissions).

82. *See generally* Christa McAuliffe Intermediate Sch. PTO v. de Blasio, 364 F. Supp. 3d 253 (S.D.N.Y. 2019) (denying a motion for preliminary injunction that sought to prohibit defendants from implementing changes to admissions policy that would allegedly disproportionately harm Asian Americans), *aff’d*, 788 F. App’x 85 (2d Cir. 2019).

83. *See generally* Bos. Parent Coal. for Acad. Excellence Corp. v. Sch. Comm. for City of Bos., 89 F.4th 46 (1st Cir. 2023) (discussing how White applicants were more affected by the admissions policy than Asian American applicants).

84. *See generally* Friends of Lowell Found. v. S.F. Unified Sch. Dist., No. CPF-21-517445 (Cal. Super. Ct. Nov. 17, 2021) (order granting petition for writ of mandate).

85. *See generally* Ass’n for Educ. Fairness v. Montgomery Cnty. Bd. of Educ., 617 F. Supp. 3d 358 (D. Md. 2022) (granting motion to dismiss where alleged discriminatory admission policies for middle schools were no longer in effect).

86. *See generally* Coal. for TJ v. Fairfax Cnty. Sch. Bd., 68 F.4th 864 (4th Cir. 2023) (holding that school’s race-neutral admissions policy did not have a disparate impact on Asian American applicants and was not motivated by invidious discriminatory intent against Asian Americans), *rev’g* 2022 WL 579809 (E.D. Va. Feb. 25, 2022), *cert. denied*, 2024 WL 674659 (U.S. Feb. 20, 2024) (No. 23-170).

87. *Boyapati v. Loudoun Cnty. Sch. Bd.*, No. 1:20-cv-01075, 2021 WL 943112, at \*8 (E.D. Va. Feb. 19, 2021). There is also a magnet school admissions case in Philadelphia which does not center Asian Americans. *Complaint, Sargent v. Sch. Dist. of Phil.*, No. 22-cv-1509 (E.D. Pa. Apr. 19, 2022).

share several basic characteristics. A public magnet school has a high Asian American enrollment—often significantly higher than the proportion of Asian American students in the school district. Other groups are underrepresented at the magnet school, and Black and Latina/o students are highly underrepresented. The local school board is concerned about the underrepresentation of Black and Latina/o students, and it changes the magnet school’s admissions policy to increase their representation. Race is not a factor in the new policy, nor in the old one—both are facially race-neutral. But in the process of changing the policy, Asian American parents are often excluded (civic ostracism), and various school officials have sometimes made anti-Asian comments after the new admissions policy takes effect. The percentage of Asian American admittees to the magnet school drops although it remains higher than the proportion of Asian American students in the school district; however, the proportion of students from all other groups goes up. A group of parents, often led by Asian Americans, organizes to challenge the new policy, and is often represented by a conservative organization. In several of the cases—the ones in Fairfax County, New York, Montgomery County, and Boston<sup>88</sup>—the Pacific Legal Foundation (“PLF”) has represented the plaintiffs.

At this time, the Supreme Court has declined to weigh in on the issues raised by these cases. On February 20, 2024, the Court denied the petition for a writ of certiorari by the Plaintiffs in *Coalition for TJ v. Fairfax County School Board* in Virginia.<sup>89</sup> This case involved Thomas Jefferson High School for Science and Technology (“TJ”), which was ranked as America’s top public high school by *U.S. News and World Report* in 2021.<sup>90</sup>

Although the plaintiffs’ claim in *Coalition for TJ* did not depend on racial animus against Asian American achievement, they had noted various instances of such animus—the peril of the mind phenomenon—in their Complaint.<sup>91</sup> The Plaintiffs pointed to a 2018 statement before the Virginia General Assembly, where a retired Fairfax County middle school teacher referred to Asian American families as “ravenous” and stated that families from India come to the United States—perhaps illegally—so their children can attend TJ.<sup>92</sup> The Complaint also referenced a statewide working group on diversity, equity, and inclusion,<sup>93</sup> where Democratic State Delegate Mark Keam, who himself is

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88. *Coal. for TJ*, 68 F.4th 864; *Christa McAuliffe Intermediate Sch. PTO v. de Blasio*, 364 F.3d 253 (S.D.N.Y. 2019); *Ass’n for Educ. Fairness*, 617 F.3d 358; *Bos. Parent Coal. for Acad. Excellence Corp.*, 89 F.4th 46.

89. *Coal. for TJ*, 68 F.4th at 864, *cert. denied*, 2024 WL 674659 (U.S. Feb. 20, 2024) (No. 23-170).

90. *See 2021 Best U.S. High Schools*, U.S. NEWS & WORLD REP., <https://www.usnews.com/education/best-high-schools/national-rankings> (last visited July 14, 2024).

91. *See* Complaint & Demand for Jury Trial at 15–16, *Coal. for TJ v. Fairfax Cnty. Sch. Bd.*, 2022 WL 579809 (E.D. Va. Feb. 25, 2022) (No. 1:21-cv-00296).

92. *See* Asra Nomani, *Retired FCPS Teacher Singles Out Students from India and Calls Parents “Ravenous”*, YOUTUBE (Sept. 23, 2020), <https://www.youtube.com/watch?v=0rWdIXuYFqA>.

93. Complaint & Demand, *supra* note 91, at 16.

Korean American,<sup>94</sup> called Asian American parents “unethical” and stated that they “push their kids into [TJ]” and were “using [TJ] to get into Ivy League schools.”<sup>95</sup> Keam also stated that these families were “not even going to stay in America.”<sup>96</sup> Also, in a text exchange between two Fairfax County School Board members, the School Board members noted their belief that the Superintendent of the Fairfax County Public Schools harbored anti-Asian sentiments,<sup>97</sup> and that “there has been an antiasian [sic] feel underlying some of [the process for changing TJ’s admissions policy], hate to say it lol.”<sup>98</sup>

*Coalition for TJ* included other forms of civic ostracism, such as procedural irregularities and exclusion of interested parties. The Fairfax County School Board (“School Board”) voted on several matters at a “work session”—which was not standard practice.<sup>99</sup> This included a vote which eliminated the standardized entrance test,<sup>100</sup> without public hearing or comment, just one month before the test was to take place.<sup>101</sup> And in its next regular meeting, the School Board rejected the idea of allowing further public engagement and input, even though some School Board members believed the “process was moving too fast.”<sup>102</sup>

The plaintiffs prevailed at the District Court,<sup>103</sup> but the Fourth Circuit stayed that ruling and eventually reversed.<sup>104</sup> In their now-denied certiorari petition, the plaintiffs asserted that:

In recent years, several of the nation’s largest public school systems—from Boston to New York to San Francisco and beyond—have engaged in public and private conversations about the racial composition of their competitive-admission schools. Uniformly, decisionmakers in these systems have concluded that the racial composition of these schools is problematic. The consistent “problem” has been that Asian-American [sic] applicants earn substantially more seats in these programs than the group’s share of the surrounding population, which makes it difficult for policymakers to achieve racial balance. Some have been open about their disdain for Asian-American [sic] parents and students, but all have implemented plans that employ

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94. Mark Keam, WIKIPEDIA, [https://en.wikipedia.org/wiki/Mark\\_Keam](https://en.wikipedia.org/wiki/Mark_Keam) (last visited Aug. 24, 2024).

95. Complaint & Demand, *supra* note 91.

96. Ilya Somin, *TJ High School Lawsuit Could Set Important Precedents*, BACON’S REBELLION (Mar. 17, 2021), <https://www.baconsrebellion.com/wp/tj-high-school-lawsuit-could-set-important-precedents>.

97. *BREAKING. TJ Papers of School Board Emails and Texts: TJHSST Admissions Changes Had “an Anti Asian Feel Underlying Some of This, Hate to Say it lol”*, PARENTS DEFENDING EDUC. (Jan. 10, 2022), <https://defendinged.org/incidents/tjpapers>.

98. *Id.*

99. Coal. for TJ v. Fairfax Cnty. Sch. Bd., No. 1:21-cv-00296, 2022 WL 579809, at \*7–8 (E.D. Va. Feb. 25, 2022).

100. *Id.* at \*8.

101. Complaint & Demand, *supra* note 91, at 13.

102. See Coal. For TJ, 2022 WL 579809 at \*8.

103. *Id.*

104. Coal. for TJ v. Fairfax Cnty. Sch. Bd., 68 F.4th 864, 864 (4th Cir. 2023).

admissions criteria designed to tilt the playing field against Asian Americans.<sup>105</sup>

Although the Supreme Court declined to hear *Coalition for TJ*, PLF is still litigating several of the other cases.<sup>106</sup> At some point, the Court will likely take a case involving magnet school admissions, as these raise unresolved legal issues. Justice Samuel Alito, joined by Justice Clarence Thomas, dissented from the denial of the certiorari petition in *Coalition for TJ* and highlighted some of these issues.<sup>107</sup> In particular, Justice Alito took issue with the Fourth Circuit's analysis of disparate impact.<sup>108</sup> The Fourth Circuit found that because Asian Americans still fared better than other groups under the new TJ admissions policy, there was no disparate impact and no need to inquire whether any invidious intent or racial animus motivated the policy change.<sup>109</sup> Justice Alito objected that "as far as the Fourth Circuit was concerned, the Board could have adopted a policy designed solely to reduce the Asian-American [sic] offer rate and still evaded liability" if Asian Americans still received a greater percentage of offers than other groups and than their percentage in the applicant pool.<sup>110</sup>

Justice Alito noted that he "would not reach the question whether the District Court correctly analyzed all the evidence in this case."<sup>111</sup> But he also referenced the civic ostracism of Asian Americans during the process of changing TJ's admissions policy, noting "that the Board's decision-making process was rushed, not transparent, and more concerned with simply doing something to alter the racial balance at TJ than with public engagement."<sup>112</sup> Other magnet school admissions controversies have also involved exclusion of Asian Americans from decision making. Professor Osamudia James notes that during conversations about specialized high school admissions reform in New York City, Asian Americans' "status as unassimilable left them excluded . . . even though Asian Americans have and continue to experience economic and racial marginalization."<sup>113</sup> In the Loudoun County, Virginia case, the plaintiffs filed a Virginia Freedom of Information Act claim because of procedural irregularities in the vote to change the admissions policy.<sup>114</sup> And in the San Francisco case, the plaintiffs prevailed because the procedure for

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105. Petition for Writ of Certiorari at 15–16, *Coal. for TJ*, 2024 WL 674659 (No. 23-170).

106. For updates on these cases, see *Supreme Court Cases*, PAC. LEGAL FOUND., <https://pacificlegal.org/cases-category/supreme-court-cases> (last visited Aug. 24, 2024).

107. *Coal. for TJ*, 68 F.4th 864, *cert. denied*, 2024 WL 674659, at \*3 (U.S. Feb. 20, 2024) (No. 23-170) (Alito, J., dissenting).

108. *Id.*

109. *Coal. for TJ*, 68 F.4th at 882 (noting that because it found no disparate impact on Asian Americans, the Court could "end our analysis of the Coalition's Equal Protection Claim[.]").

110. *Coal. for TJ*, 2024 WL 674659, at \*4 (Alito, J., dissenting).

111. *Id.* at \*5.

112. *Id.* at \*3.

113. Osamudia James, *Risky Education*, 89 GEO. WASH. L. REV. 667, 714 (2021).

114. *Boyapati v. Loudoun Cnty. Sch. Bd.*, No. 20-cv-01075, 2021 WL 943112, at \*11 (E.D. Va. Feb. 19, 2021).

changing Lowell High School's admission to a lottery system violated California's public meeting laws.<sup>115</sup>

Beyond their legal significance, the magnet school admissions controversies have had a political impact. In 2022, Asian American opposition to the lottery admissions system implemented at Lowell High School also fueled the recall of three San Francisco Board of Education members, including one who had made anti-Asian comments.<sup>116</sup> Additionally, the *Coalition for TJ* and Loudoun County cases became politicized in the 2021 Virginia gubernatorial race. Republican candidate Glenn Youngkin, a political newcomer, publicly supported the plaintiffs in both cases,<sup>117</sup> and Coalition for TJ members volunteered to canvas and organize for him.<sup>118</sup> Former Governor and Democratic candidate Terry McCauliffe still won the Asian American vote by a substantial margin of 67 percent to 33 percent.<sup>119</sup> However, Youngkin defeated McCauliffe in a close election.<sup>120</sup>

Similarly, during the 2021 New York City mayoral election,<sup>121</sup> Republican Curtis Sliwa's campaign highlighted his support for the "merit-based SHSAT"—the Specialized High School Admissions Test—on English and Chinese language signs that were posted in majority Asian American precincts.<sup>122</sup> Although Sliwa lost to Democrat Eric Adams, he received more support in majority Asian American precincts than in other precincts.<sup>123</sup> The SHSAT controversy may have also influenced June 2023 elections for New York City's thirty-two Community Education Councils ("CECs"), which have ten members each and "have the power to approve or reject school rezoning plans, pass resolutions about various school-related issues, and work with

115. *Friends of Lowell Found. v. S.F. Unified Sch. Dist.*, No. CPF-21-517445 (Cal. Super. Ct. Nov. 17, 2021).

116. Thomas Fuller, *'You Have to Give Us Respect': How Asian Americans Fueled the San Francisco Recall*, N.Y. TIMES (Feb. 17, 2022), <https://www.nytimes.com/2022/02/17/us/san-francisco-school-board-parents.html>.

117. See Coal. for TJ, *Here's a Message from Glenn Youngkin Especially for Coalition for TJ. UPDATE: Governor-Elect Youngkin!*, FACEBOOK (Apr. 9, 2021), <https://www.facebook.com/CoalitionforTJ/videos/heres-a-message-from-glenn-youngkin-especially-for-coalition-for-tj-update-gover/973036116564362>.

118. See Asra Q. Nomani, *How "Mama Bears" Won a Court Victory—and Helped Elect a Governor—in Virginia*, EDUC. NEXT (Aug. 23, 2022), <https://www.educationnext.org/how-mama-bears-won-court-victory-helped-elect-governor-virginia-immigrant-parents-asia-fight-discrimination>.

119. Scott Clement, Emily Guskin & Madison Dong, *Exit Poll Results from the 2021 Election for Virginia Governor*, WASH. POST (Nov. 3, 2021), <https://www.washingtonpost.com/elections/interactive/2021/exit-polls-virginia-governor>.

120. *Id.*

121. See Jay Caspian Kang, *Democrats Still Don't Understand Asian American Voters*, N.Y. TIMES (Nov. 15, 2021), <https://www.nytimes.com/2021/11/15/opinion/republican-democrat-asian-voter.html>.

122. *Id.*

123. Rong Xiaoqing, Clifford Michel, Suhail Bhat & Will Welch, *Chinese Voters Came Out in Force for the GOP in NYC, Shaking up Politics*, CITY (Oct. 12, 2023, 8:00 AM), <https://www.thecity.nyc/politics/2021/11/11/22777346/chinese-new-yorkers-voted-for-sliwa-gop-republicans>.

district superintendents.”<sup>124</sup> Parent Leaders for Accelerated Curriculum and Education (“PLACE”), an organization that supported maintaining the SHSAT and opposed lottery admissions, had endorsed 147 candidates throughout the City for seats on the different CECs, and 115 of those candidates were elected, constituting almost 40 percent of CEC members citywide.<sup>125</sup> Conversely, Parents for Middle School Equity, a group which “appears to be ideologically opposed to PLACE[,]” had only 25 percent of its endorsed CEC candidates win their elections.<sup>126</sup> All of this has occurred in a context where Asian Americans have been leaning more conservative in national elections.<sup>127</sup>

The political tensions around Asian American achievement could readily extend to other contexts. White resentment towards Asian Americans’ educational success is not limited to admissions reform. Over the past two decades, white families begun to leave high-performing school districts when the Asian American student population grows, because the schools are becoming “too academically driven . . . [And] too Asian.”<sup>128</sup> This phenomenon has been dubbed as “the New White Flight” by the *Wall Street Journal*.<sup>129</sup> A recent, large empirical study by researchers at Princeton University found that “parental concerns about academic competition” from Asian Americans may well explain “white flight” from suburban, high socioeconomic public schools in California.<sup>130</sup> Others have also studied and documented the new white flight in

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124. Amy Zimmer & Reema Amin, *PLACE-Endorsed Candidates Win Nearly 40% of Seats on NYC’s Parent Councils*, CHALKBEAT (June 16, 2023, 5:26 PM PDT), <https://www.chalkbeat.org/newyork/2023/6/16/23764178/community-education-council-election-place-integration-school-admissions-equity>.

125. *Id.*

126. *Id.*

127. See David Leonhardt, *Asian Americans, Shifting Right*, N.Y. TIMES (Mar. 9, 2023), <https://www.nytimes.com/2023/03/06/briefing/asian-americans-conservative-republican.html> (reporting that in presidential elections, percentage of Asian Americans voting for Donald Trump was 18 percent in 2016 and 30 percent in 2020, and that in 2022, 32 percent of Asian Americans voted for Republican candidate in U.S. House of Representatives elections).

128. Suein Hwang, *The New White Flight*, WALL ST. J. (Nov. 19, 2025, 11:59 PM ET), <https://www.wsj.com/articles/SB113236377590902105>.

129. *Id.* (“Over the past 10 years, the proportion of white students at Lynbrook has fallen by nearly half, to 25% of the student body. At Monta Vista, white students make up less than one-third of the population, down from 45%—this in a town that’s half white.”); see also Anjali Enjeti, *Ghosts of White People Past: Witnessing White Flight from an Asian Ethnoburb*, PAC. STANDARD (June 14, 2017), <https://psmag.com/news/ghosts-of-white-people-past-witnessing-white-flight-from-an-asian-ethnoburb> (noting that in Johns Creek, Georgia, an Atlanta suburb, the White student population at the local elementary school dropped from 55 percent to 23 percent in the decade preceding 2017. The reasons given by White parents for leaving include: “Asian parents take their kids for extra tutoring. It’s not fair for the ‘regular’ kids,” and, “[t]he high school is too competitive. My kids won’t get into a good college because of all of the Asians.”).

130. Leah Platt Boustan, Christine Cai, & Tammy Tseng, *White Flight from Asian Immigration: Evidence from California Public Schools* 14 (Nat’l Bureau of Econ. Rsch., Working Paper No. 31434, 2023), [https://www.nber.org/system/files/working\\_papers/w31434/w31434.pdf](https://www.nber.org/system/files/working_papers/w31434/w31434.pdf). The authors classify “suburban” school districts as follows: “[W]e first limit the sample to the (unconsolidated) districts in counties included in the Metropolitan Statistical Area (MSA) definitions for the year 2000 provided by IPUMS. We classify the largest school district (in terms of total enrollment) in each metropolitan area as a school district located in a ‘central city.’ We define the remainder of the districts as ‘suburban.’” *Id.* at 25. They define “high-

various settings.<sup>131</sup> Even in places where white families are not leaving, recent qualitative empirical studies have documented “anti-Asian feelings” that arise in part because white parents see “immigrant Asian parents as unreasonably focused on academic pursuits.”<sup>132</sup> Many of these white parents identify as politically liberal and otherwise support racial diversity.<sup>133</sup> But that does not stop them from harboring animus towards Asian American achievement.<sup>134</sup>

Progressive advocates for racial equity should pay more attention to this dynamic. We have rightly brought forth how the model minority stereotype is weaponized by conservatives to pit us against Black, Latina/o, and Native Americans.<sup>135</sup> However, that is just one part of the story. We also must acknowledge that there is a real backlash against Asian American achievement because it threatens white dominance, and that we have failed to adequately acknowledge and address that backlash.<sup>136</sup> Even when racial equity advocates have acknowledged anti-Asian animus and stereotyping in the admissions cases, it has been to make the narrow, technically correct but morally and politically bereft argument that it is legally irrelevant.<sup>137</sup> Anti-affirmative action organizations such as SFFA and PLF have thus been able to cast themselves as champions of fairness for Asian Americans.<sup>138</sup>

Similarly, at the Supreme Court, it was Justice Alito’s dissent to the denial of the certiorari petition in *Coalition for TJ* which most thoroughly addressed animus against Asian American achievement. Justice Alito rightly critiqued the Fourth Circuit majority’s definition of disparate impact—a definition that would

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socioeconomic” school districts as those “above median on these SES or income metrics within the suburban sample.” *Id.* at 8.

131. See, e.g., Richard Keiser, *Subverting the American Dream*, LE MONDE DIPLOMATIQUE (Sept. 2020), <https://mondediplo.com/2020/09/14usa> (“[U]pper-middle-class white families are leaving neighborhoods with increasing house values because Asian American families have moved in, whose children have become top achievers in public schools. Fleeing a neighborhood with low crime, great schools and high prestige may not be a good financial strategy, but whites are again protecting their children by preserving their place at the top of the meritocratic hierarchy.”).

132. NATASHA WARIKOO, RACE AT THE TOP: ASIAN AMERICANS AND WHITES IN PURSUIT OF THE AMERICAN DREAM IN SUBURBAN SCHOOLS 154 (2022); see also WILLOW S. LUNG-AMAM, TRESPASSERS?: ASIAN AMERICANS AND THE BATTLE FOR SUBURBIA 55 (2017) (noting that “many established White families [in Fremont, California] claimed to want less competitive schools[,] . . . [but] Asian American families were widely associated with an increasing premium on high grades and academic rigor[,]” and that “[t]ensions over these differences . . . led a number of White families to leave the neighborhood and the district.”); *id.* at 53–97.

133. WARIKOO, *supra* note 132, at 156 (“White parents . . . [in Professor Natasha Warikoo’s study] . . . tended to identify as liberal and expressed great appreciation for the racial diversity in their town that came from the busing program and Asian immigration. Over 80 percent of adults in the town voted for Joe Biden in the 2020 presidential election. But their appreciation for diversity only went so far. . . . [W]hen Asian families followed in their footsteps and Asian American kids bested their kids, white parents attempted to alter the very system designed to privilege them.”).

134. See Harpalani *supra* note 4; see also *supra* notes 132–133 and accompanying text; Vinay Harpalani, *From the Divine Gift to the Devil’s Bargains: Asian Americans in the Ideology of White Supremacy*, 103 B.U. L. REV. ONLINE 151, 156 (2023) [hereinafter Harpalani, *From the Divine Gift*].

135. Harpalani, *Elite University Admissions*, *supra* note 4, at 323–26.

136. See Harpalani, *From the Divine Gift*, *supra* note 134, at 156–57.

137. See *id.* at 155–56.

138. See *id.* at 154–55.

not repudiate anti-Asian animus even if it was an obvious and primary motive.<sup>139</sup> And, as I have written recently, this comes on the heels of the *SFFA* ruling where the conservative Justices put forth a largely unrebutted narrative of Asian Americans as victims of affirmative action.<sup>140</sup>

Conservatives have also suggested that liberals and progressives are more vigilant in repudiating anti-Black animus than anti-Asian animus.<sup>141</sup> *SFFA* insinuated this when it noted how Harvard's President and Admissions Director reacted in lax fashion to anti-Asian comments by an alum.<sup>142</sup> Justice Alito's dissent to the *Coalition for TJ* certiorari petition denial posed a disparate impact hypothetical where he stated that he "cannot imagine the Court's sustaining discrimination" against Black Americans even if they were overrepresented.<sup>143</sup> One can bet that conservatives will continue to create divides among people of color if progressives do not properly address animus against Asian Americans.

### CONCLUSION

It should be clear that addressing racial animus is not a zero-sum game. Progressives should actively disavow comments that reflect the backlash to Asian American achievement. We should do so with the same force as we would for racist sentiments targeting any group. Additionally, we should always make sure that Asian Americans are included in the process of choosing education reforms which may affect them. Even if they might disagree with progressive positions, the exclusion of Asian Americans from decision making is not defensible. The failure to repudiate the backlash against Asian American achievement will further pit different groups of people of color against each other and will likely push more Asian Americans in a rightward direction.<sup>144</sup>

I began this Essay with the story of my progressive white colleague who wanted to use anti-Asian animus to get rid of the SAT. In his relatively privileged and insular world, he had not thought about how Asian Americans

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139. See *supra* notes 113–114 and accompanying text.

140. See Harpalani, *supra* note 63, at 24.

141. See Harpalani, *Elite University Admissions*, *supra* note 4, at 294–96, 318–19.

142. See *supra* notes 77–79 and accompanying text.

143. *Coal. for TJ v. Fairfax Cnty. Sch. Bd.*, 68 F.4th 864, *cert. denied*, 2024 WL 674659, at \*8–9 (U.S. Feb. 20, 2024) (No. 23-170) (Alito, J., dissenting) ("Consider the following hypothetical case. Suppose that white parents in a school district where 85 percent of the students are white and 15 percent are black complain because 10 of the 12 players (83 percent) on the public high school basketball team are black. Suppose that the principal emails the coach and says: 'You have too many black players. You need to replace some of them with white players.' And suppose the coach emails back: 'Ok. That will hurt the team, but if you insist, I'll do it.' The coach then takes five of his black players aside and kicks them off the team for some contrived—but facially neutral—reason. For instance, as cover, he might institute a policy that reserves a set number of spots on the roster for each of the middle schools who feed to the high school. According to the reasoning of the Fourth Circuit majority, this action would not violate equal protection because the percentage of black players left on the team (approximately 42 percent) would exceed the percentage of black students in the school. I cannot imagine this Court's sustaining such discrimination, but in principle there is no difference between that imaginary case and one now before us.")

144. See *supra* notes 116–138 and accompanying text.

might react to this idea. I had to get him to see that animus against Asian American achievement is itself an instance of white supremacy.<sup>145</sup> I have noted before that it is very difficult to get people who are not Asian American to try and see the world as we see it.<sup>146</sup> But conservatives have come to understand Asian Americans' racial positioning better than most progressives, and they have successfully employed this knowledge to attack racial diversity.<sup>147</sup> If progressive racial equity advocates want to build the people of color coalitions we always talk about,<sup>148</sup> we will have to do a much better job at engaging the complexity of Asian American experiences. And in elite educational spaces, this includes the model minority and peril of the mind stereotypes, which together constitute the racial triangulation of Asian American achievement.

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145. Harpalani, *From the Devine Gift*, *supra* note 134, at 152–54, 156.

146. *Id.* at 154.

147. Harpalani, *Supreme Court Justice*, *supra* note 63, at 24–25, 32–36.

148. Harpalani, *From the Devine Gift*, *supra* note 134, at 155.

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