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Articulating Race—Asian American Neoconservative Renditions of Equality

An Analysis of the Brian Ho Lawsuit

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Situating Asian Americans

The debates surrounding race-based policies in education merge the issues of merit and the racialization of groups. This is structured by larger political forces that have invoked race and constructed a political rhetoric that allegedly does not consider race—in other words, "color-blindness." Yet the journey to this current political climate has been wrought with defining and re-defining public education policies that advocate racial equality. In effect, race, and the racialization of minority groups, has consistently acted as an undercurrent to these debates, even under the rubric of alleged color-blindness.

Due to changing political and social contexts, this ideal of racial equality has shifted over time and been co-opted by a neo-conservative movement. Those who participated in the Civil Rights Movement in which the *Brown* v. *Board of Education* (347 U.S. 483 [1954]) decision was won sought elimination of racial segregation and believed this would lead to greater racial equality. This ideal of racial equality remained one of the major goals of K-12 and higher education policy since Brown. However, the ideal of racial equality has shifted to hold a very different meaning than that propagated by the Brown decision. For example, there is now the widespread notion that any policies that consider race are "racially discriminatory." Examining the rise of neo-conservative politics and politicians and their ability to transform the core issues of racism and inequality to issues that point to the alleged "unfairness" of the very policies that were attempting to address these issues demonstrates a shift in discourse.

Asian Americans hold a complex place within this shift. In-

terestingly and rather ironically, Asian Americans have been able to articulate race through the end of affirmative action policies and the ensuing incorporation of color-blindness, merit, and equality into educational policy debates. In contrast to African Americans and Latinos, who have been framed negatively as undeserving beneficiaries of these policies, Asian Americans have emerged with an arguably positive stereotype. Further adding to the irony, the focus on the educational sector of society, the same site in which African Americans sought racial justice,[1] has enabled Asian Americans to assert themselves as the Model Minority.

Asian Americans as the Model Minority not only gives us an arguably positive racial stereotype with which to contend but also one that many Asian Americans accept. Most minority communities can be characterized as split between liberals and conservatives, and the Asian American community is no different. This split can also be viewed as Asian Americans who attempt to disprove and discount the Model Minority stereotype and others who accept it. Beyond racial perceptions and attitudes, these stereotypes have a material effect on policy, especially explicitly race-based policies such as affirmative action and desegregation. It is within these highly politicized discursive contexts that I attempt to situate how the Asian American supporters of the *Ho* lawsuit utilized racial stereotypes and neo-conservative ideologies to further their cause. In doing so, they fracture the Asian American community in San Francisco and also alienate, politically and socially, the African American and Latino communities. In choosing to advocate an anti-desegregation and anti-affirmative action stance, the Asian American supporters of the *Ho* lawsuit alienate and eventually harm other communities of color.

While Omi and Winant suggest that race is constructed by larger political, social, and historical forces, I add to their theory by demonstrating how these constructions can also be owned and possessed and thus articulated by a racial minority group (Omi and Winant 1994). This article is about the utilization by neo-conservative Asian Americans of the Model Minority Myth stereotype as both victim and success story,[2] specifically examining the political and policy implications of their articulation of race. I also demonstrate how the supporters of the *Ho* lawsuit utilize neo-conservative rhetoric and articulate race in such a way as to support the backlash against race-based education policies. The Asian

American as the Model Minority fits squarely within the neo-conservative propagation of color-blindness and meritocracy within education policy and politics.

In purporting to fight discrimination against their own group, the *Ho* plaintiffs and supporters utilize neo-conservative renditions of equality and meritocracy.

> The angry young Chinese Americans at the helm of the Lowell fight insist that they are not opposed to affirmative action and see no contradiction in their cause. The children of immigrants, or immigrants themselves, they speak instead of dreams betrayed, of disillusionment with the notion that hard work could obliterate the barriers of skin color. (Woo 1995)

Yet their focus on individual interests betrays their supposed lack of opposition toward affirmative action. While some of the Chinese Americans involved in the *Ho* lawsuit may claim to "not (be) opposed to affirmative action," they are still putting forth the racially coded language of neo-conservative and anti-affirmative action forces and subliminally point to Black and Latino underachievement and racial preferences.

The *Brian Ho, Patrick Wong, & Hilary Chen* v. *San Francisco Unified School District* case was waged by a group of Chinese Americans that effectively ended race-based school integration in the San Francisco Unified School District (*Ho* v. *SFUSD*). The Chinese American plaintiffs were not only suing the San Francisco public school district but also contested the legal decision awarded to the National Association for the Advancement of Colored People (NAACP). It was the NAACP's original suit that resulted in the desegregation policy established in 1983, known as the San Francisco Unified School District's Consent Decree. The plaintiffs specifically targeted the differential entrance requirements to Lowell High School, the premier academic secondary school in the district, for different racial and ethnic groups. The aftermath of the *Ho* lawsuit resulted in the end of racial considerations in the school district—thus, providing evidence of political and public policy shifts away from an overt focus on race in education policy as well as how the Asian American supporters and plaintiffs of *Ho* have exploited this shift.

The Consent Decree

In 1979, the San Francisco branch of the NAACP brought suit against the San Francisco Unified School District alleging that

the district was supporting and encouraging a dual school system, which segregated minority children to low-quality, low-achieving schools. The out of court settlement, known as the SFUSD Consent Decree, brought and still currently brings in approximately $34 million in desegregation monies from the state annually. The 1979 suit followed up with contentions that the African American community in San Francisco held toward the district and its policies after Superintendent of School's, Robert Alioto, Redesign Plan. The former superintendent's Redesign Plan, which he claimed included attempts to restructure the entire school district, disproportionately affected predominantly low-income, African American neighborhoods more so than other neighborhoods within the city.[3]

Some of the San Francisco NAACP allegations against the San Francisco Unified School District include the following. The NAACP believed that the district:

> perpetuated (a) dual school system (by): 1) constructing new schools and annexes, leasing private property for school use, and utilizing portable classrooms in order to incorporate extant residential segregation into the District; 2) establishing feeder patterns, transfer and reassignment policies, optional and mandatory attendance zones to situate children in racially isolated schools; 3) implementing racially discriminatory testing procedures, disciplinary policies, and tracking systems within schools and classrooms; . . .and 5) allocating financial resources in a discriminatory manner. (*San Francisco NAACP, et al.* v. *SFUSD, et al.*)

The NAACP came to court to represent not only black students but also nine other racial and ethnic groups representing almost all students in the district. One of the main arguments for the San Francisco NAACP suit lay in the school district's drawing of residential lines that led to racially segregated schools. Their court case remained the strongest and would most likely hold up in trial in its focus on African American students in the Bayview Hunter's Point area of the city.

The NAACP realized victory in an out of court settlement known as the Consent Decree, which was achieved without arduous litigation. According to the Consent Decree Document, "The complexity and duration of a trial would seriously diminish the value of whatever additional relief might be obtained by further litigation"(*San Francisco NAACP, et al.* v. *SFUSD, et al.*). However,

the plaintiffs did have to come up with substantial proof for their case. One of the plaintiffs' main allegations was that the San Francisco school district had historically supported segregated schools. Before and after the *Brown* decision, schools in the district were established and known as the "colored school" or the "Chinese school."[4] Racially segregated housing patterns also aided in the racial identifiability of many schools within the district. The district had been dealing with a long history of discord around how to address segregation and, until the late 1970s, had consistently disagreed about how much desegregation was needed and how to remedy this ongoing political and racial problem.[5]

The key objective of the Consent Decree was to "eliminate racial/ethnic segregation or identifiability in any school, classroom, or program, and to achieve throughout the system, the broadest practicable distribution of students from all the racial/ethnic groups comprising the general student population" (*San Francisco NAACP, et al.* v. *SFUSD, et al.*). The plaintiffs in the NAACP lawsuit represented nine ethnic groups in the school district: Spanish-surnamed, Other White, Black, Chinese, Japanese, Korean, Filipino, American Indian and Other Non-White.

> The sine qua non of the decree is the agreement of the district to ensure this coming school year (1983-84) that no single racial/ethnic group shall comprise more than 45 percent of the enrollment at any school (*San Francisco NAACP, et al.* v. *SFUSD, et al.*).

In addition, beyond the racial mixing issue, the Consent Decree Settlement Team mandated that state desegregation dollars be committed to improving educational quality and access for minority groups. This effort to improve education in low-income neighborhoods becomes more evident in the 1990s with the opening of academic magnet schools in the Bayview-Hunter's Point and Visitation Valley areas of the city, predominantly populated by low-income African Americans, Latinos, and Asians.

The SFUSD's Consent Decree affected all schools in a similar manner, mandating racial and ethnic integration. Because of its stellar reputation as a secondary institution, Lowell High School instituted an admissions process, considering, among other criteria, a composite score for each student derived from test scores on an entrance exam and grade point averages. In order to adhere to

Consent Decree regulations, the admissions committee divided prospective applicants according to race and assigned differential minimum composite scores for each group. These differential composite scores were based on several factors, including how that particular ethnic/racial group had done in the past and the (percentage) representation of that particular group within the school's population. Lowell has, since its inception, focused on providing a rigorous academic, college-preparatory curriculum and, in attempts to work with various desegregation mandates, has always juggled academic standards along with attempts to achieve a racially diverse student body.[6]

The San Francisco Unified School District, before and after the Consent Decree, remains one of the most racially and ethnically diverse districts in the country. The establishment of the Consent Decree in 1983 was landmark social and education policy because it addressed desegregation for nine racial and ethnic groups in one district.

The *Ho* Lawsuit—Reframing the Issue—From Desegregation to Affirmative Action

The Consent Decree and the issue of desegregation remained one of the hot button issues within the district. The two major cases concerning desegregation and the Consent Decree, the *NAACP* v. *SFUSD* and *Ho* v. *SFUSD*, which followed a little over a decade later, differed greatly. Through the *Ho* lawsuit, one can view the distinct shift in focus away from desegregation to issues akin to affirmative action in K-12 education. In other words, though desegregation still lay at the heart of both lawsuits, the *NAACP* case sought social and racial justice on a broader level, while the *Ho* lawsuit narrowed the goals of the desegregation and focused on individual rights and individual achievement.

Ho v. *SFUSD*, filed in the summer of 1994, directly attacked the Consent Decree by alleging that the ethnic ceilings mandated by the district through the Decree to ensure racial mixing were unfair to Chinese public school children and gave unfair preferential treatment to African Americans and Latinos. Their case centered around Lowell High School, where the Chinese, being the largest ethnic group at the school, were the ones consistently hitting the ethnic cap set by the desegregation mandate and being denied admission. The Chinese American Democratic Club (CADC)

remained staunch and very public supporters of the Ho lawsuit.

Before the *Ho* lawsuit was even filed, there existed several years worth of negative feelings on the part of Chinese American families against the school district's desegregation policy. At the same time Latino and Chinese American communities, not involved with nor supporters of the *Ho* suit, were calling for more inclusion and input in the administration of the Consent Decree. On January 26, 1993, Chinese for Affirmative Action joined with Mujeres Unidas y Activas to attempt to "petition the federal district court to (be able to) intervene as plaintiffs in the San Francisco school desegregation case" so as to improve and better coordinate the Consent Decree (Der 1993). These groups believed that Chinese and Latino students needed more attention and specific academic programs, which fell under the desegregation mandate. Both Chinese for Affirmative Action and Mujeres Unidas y Activas represented a politically progressive group of people.[7] Chinese for Affirmative Action and their then executive director, Henry Der, remained staunch opponents of the *Ho* lawsuit as it was litigated within the court system. A number of weeks after Chinese for Affirmative Action and Mujeres Unidas y Activas came together, the CADC's Education Task Force filed a resolution to be passed by the school board to ensure their input into the administration of the Consent Decree.

On April 9, 1993, Chinese for Affirmative Action and Mujeres Unidas y Activas came to court to request to intervene in the administration of the Consent Decree. The school district and the NAACP disagreed with these parent and community groups and attempted to persuade the judge that the 1983 Consent Decree should stand as it was with no changes. These Asian American and Latino parents and community groups felt that their children bore the greatest responsibility for integrating the schools and believed that students who were bused from Potrero Hill and the Bayview Hunters Point area of the city possessed the heaviest burden for busing and racial integration. They framed the school district as a "two-tracked school system: one for middle-class Chinese and White students and another for Hispanic, Black and low-achieving, poor Chinese students" (Der 1993). The CADC's contentions with the Consent Decree differed greatly; they believed that the ethnicity caps mandated by the decree unfairly barred Chinese students from enrolling in certain schools, namely magnet academic schools at all grade levels (Doyle 1993).

The same month, on April 19, Chinese American parents and students, who later came to represent the interests of the *Ho* lawsuit, began to voice their anger publicly around the Consent Decree's enrollment caps and Lowell High School's admissions requirements. They believed that qualified Chinese applicants were being turned away in order to comply with the Consent Decree. These outcries came soon after student admissions to Lowell were revealed. While the school district proposed to create more academic magnet schools, this option did not and could not provide immediate relief to parents and students who did not gain admission to Lowell High School. The attempts by the district to adhere to the Consent Decree guidelines also complicated matters. "The complexity is trying to get as many kids with high academic scores into the school, and doing it on the basis of equity, and also doing it by meeting the court decree," Waldemar Rojas, superintendent of schools, said (Asimov 1993b).

At the urging of representatives from the CADC, in the spring of 1993, Superintendent Rojas lowered the minimum admissions score for Chinese American students, which allowed 106 more Chinese students from public middle schools admittance and forty-five from private middle schools. In light of these new Chinese American admits to Lowell and at the probable risk of violating the Consent Decree, the NAACP demanded that more African Americans be granted admission so that the percentage caps from the desegregation mandate would still be in effect. The district scrambled to enroll more African American and Latinos so as to racially balance the school site, and thirty more African American and Latino students enrolled at Lowell.

In spite of these last-minute efforts to racially balance the school, in the fall of 1993, Lowell was found to be out of compliance with the Consent Decree. "Lowell's Chinese Americans comprised 42.9% (the cap is 40% of any one ethnic group for academic alternative schools) of Lowell's 2,800 students. . . In one year, the first-year class has grown by 150 students to 800. Overall, the student body grew by about 55 students"[8] (Asimov 1993a). Rojas' actions in the spring of 1993, in retrospect, worked as only a temporary solution to the larger issues that emerged completely in the summer of 1994 when *Ho* v. *SFUSD* was filed.

The Plaintiffs in *Ho* v. *SFUSD* and the CADC "contend(ed) the very desegregation plan originally designed to remedy dis-

crimination in the schools now fosters discrimination" (Lim 1994). On the other end of the lawsuit, the lawyers representing the school district and NAACP each argued that "the suit by the Chinese American families is a continuation of the original suit (*SF NAACP* v. *SFUSD*) and should be dismissed" (Wagner 1994). Interestingly, both sides contended that they were experiencing and fighting discrimination. The *Ho* lawsuit involved three plaintiffs whom they claimed represented all Chinese American school children in the district.

The three student plaintiffs in the suit were Brian Ho, Hilary Chen, and Patrick Wong. Brian Ho was an elementary school plaintiff who applied to attend two schools in his neighborhood, thus opting out of being automatically assigned according to the district's desegregation guidelines. His requests were rejected, and he was assigned to a school outside his residential area. The lawsuit alleged "Brian was rejected from both schools, because they were 'capped out' for students of Chinese descent" (*Ho* v. *SFUSD*). "Capped out" is the term utilized by the school district, meaning that a particular racial or ethnic group had reached the percentage cap mandated by the Consent Decree at any individual school, and no more students from that particular group can be admitted to the school. Hilary Chen, another elementary school plaintiff, was rejected from three of her neighborhood schools on two separate occasions, when her family moved from one neighborhood to another. Both elementary school plaintiffs alleged that they did not receive any of the school assignments they desired because of their Chinese ethnicity.

Of the three plaintiffs, the most controversial one and the highlight of the case was the high school-aged plaintiff and his rejection from Lowell High School. Patrick Wong was denied admission to Lowell High School, which was his first choice on his Optional Enrollment Request form. After he appealed the decision with the school district, he was given his third choice on his Optional Enrollment Request form, which was Lincoln High School. The *Ho* legal suit accused the San Francisco Unified School District of condoning and supporting the

> . . .operation and maintenance of this system [that] severely restricts the ability of each Plaintiff Class member to attend the public school of his or her choice solely on the ground that the student is of Chinese descent (*Ho* v. *SFUSD*).

The lawsuit also alleged that the school district was maintaining and supporting a race-based quota system and that Patrick was denied admission based on his Chinese ethnicity, while Brian and Hilary, the elementary school-aged plaintiffs, were assigned to schools other than the ones their parents preferred because of their ethnicity.

One of the major allegations in the lawsuit was that "the operation of the public schools of the SFUSD under the current system of race- or ethnicity-based admittance and transfer quotas constitutes race-based treatment of Plaintiffs" (*Ho* v. *SFUSD*). The plaintiffs alleged that this race-based treatment violates the U.S. Constitution and was especially unfair to Chinese public school students in San Francisco.

At the time the court case was filed, the media attention was largely focused on Lowell High School because of the differential admission requirements for Chinese students. According to the *Ho* legal document,

> For admission to Lowell's entering class of 1993-94, students of Chinese descent were required to score a minimum of 66 out of a possible 69, while applicants who were Other White, Japanese, Korean, Filipino, American Indian, or Other Non-White were required to score only 59 and students who were Hispanic or African-American were required to score 56 (*Ho* v. *SFUSD*).

However, Henry Der, then the executive director of Chinese for Affirmative Action, pointed out that the lawsuit stated this incorrectly; the minimum scores for Chinese students was actually sixty-one out of a possible sixty-nine. He also states that after running a rigorous statistical analysis, a score of fifty-nine is very similar to a score of sixty-one (Der 1994). So if the goal is to maintain academic rigor and excellence while also achieving racial balance and representation, Der believed that the differential composite scores for different racial and ethnic groups do not make a difference when they are all students at Lowell.

Three controversial issues emerged for the San Francisco Unified School District as a result of the filing of the *Ho* lawsuit. One issue was the district's use of busing in attempts to desegregate the district. Which racial and/or ethnic group bore the heaviest burden for busing? Parents and students from the Bayview

Hunter's Point Area of the city believed that it was they, while the Chinese American plaintiffs of *Ho* believed that they did. Secondly, the school district's optional enrollment request (OER) system was also questioned by the lawsuit. What students are given their school of choice? Are Chinese American students turned away from their schools of choice in larger numbers than other racial and ethnic groups? Lastly, Lowell admissions and its de facto affirmative action policy is but a small part of the desegregation mandate, the Consent Decree; however, it remained the focal point for the media and the Chinese American supporters and plaintiffs of *Ho*. This focus on the removal of racial considerations demonstrates how the CADC and *Ho* plaintiffs were targeting the desegregation policy so as to remove racial and ethnic considerations in school assignment, in the end allowing more Chinese Americans to receive their school of choice.

The Continuing Saga of Desegregation in SFUSD

The CADC's firm stance on the removal of racial considerations is politically timely considering the growing backlash against affirmative action, especially within California. The University of California Regents passed SP-1 and SP-2, which banned the consideration of race in admissions and hiring system-wide. One year after the U.C. Regents passed SP-1 and SP-2, a citizen-initiated referendum, Proposition 209-The California Civil Rights Initiative, was passed by voters and banned racial considerations in admissions and hiring. In early May 1995, the SFUSD, Board of Education, and NAACP attempted to have the *Ho* lawsuit thrown out of court because believed that Chinese American students' interests were represented in the original suit, *NAACP* v. *SFUSD*. "However, U.S. District Judge William H. Orrick, Jr., who issued the Consent Decree 12 years ago, refused to dismiss the case" (Yip 1995).

Several issues arose from this case that demonstrate the complexity of the intersections of public policy, racial stereotypes and attitudes, and, lastly, interracial minority group politics. First, the Chinese American plaintiffs simultaneously situate themselves as victims of discrimination, in being denied their schools of choice, and as model minority students whose academic futures are threatened by racial diversity policies. Second, the position of the *Ho* plaintiffs and the CADC blur the lines between white and non-white racial politics. The *Ho* plaintiffs and their

supporters put forth a neo-conservative stance that was formerly the territory of white males, especially within the context of affirmative action. They claimed to be victims of discrimination, while simultaneously seeking to end a policy that addressed racial discrimination. Lastly, while the *Ho* plaintiffs and the CADC never stated that they were directly attacking these communities, their suit was framed such that it was a "direct attack against Black and Hispanic students attending Lowell" (Der 1994). In their lawsuit the plaintiffs targeted the Lowell Academy, a summer program whose participants, mostly "Hispanic and Black students who would not otherwise attend Lowell for a variety of reason, including poverty status" (Der 1994). The lawsuit and the issues it raised continued to be controversial throughout the 1996-1997 school year, continuing to focus more on the Lowell High School admissions and affirmative action aspects of the case and not the desegregation mandate.

While the district worked diligently to revise admissions to Lowell, the CADC and the lawyers representing the *Ho* plaintiffs continued to disagree with the all of the proposals for revising Lowell admissions criteria until race was no longer a consideration for admissions.[9] This involved five years of negotiations and attempts by the district to continue to consider race as well as the *Ho* plaintiffs and lawyers opposing all the proposals.

The Race to Include Race

On January 9, 1996, Superintendent Rojas proposed to end the differential scores required of different racial/ethnic groups for admission into Lowell High School. The superintendent's new plan would admit the top 80 percent of applicants who meet the minimum requirement without any racial considerations, while the remaining 20 percent "would be chosen according to socioeconomic status" (Asimov 1996a). This plan appeared to be a form of class-based affirmative action, and "it remained unclear whether Lowell would still meet the district's court-monitored desegregation standards under Rojas' plan" (Asimov 1996a).

After gathering comments and feedback from the general public on his proposed Lowell admissions plan in February 1996, Rojas agreed to "alter his plan in two ways: by including alumni and older Lowell students in the selection process and by providing more academic help for new arrivals" (Asimov 1996b). In ad-

dition to the consideration of socioeconomic status and place of residence, African American, Latinos, and Native Americans would be given special consideration under the second tier if they scored below sixty-three and above fifty. If this plan was approved, then it would go into effect right away and determine the entering freshmen class for the fall of 1996 (Asimov 1996b).

After Rojas made the above revisions, the newly revised admission plan was voted into effect by the SFUSD school board on February 27, 1996. The significant piece of the new plan was the elimination of differential minimum scores for applicants of different ethnicities. The official minimum score for everyone applying to Lowell and being considered on the first tier of admissions is sixty-three. The new plan would work to affect the admissions of those who had already turned their applications in for the ensuing fall term. The second-tier criteria would expand for the applicants for the freshmen slots for the following school year, 1997-1998 (Asimov 1996b).

Teachers expressed concerns around lowering standards for 20-30 percent of the students who would enter on the second tier. Parents expressed anger at implementing the plan after applications for Lowell were already turned into the district for consideration. The CADC applauded the decision but still decided to pursue the lawsuit: "Roland Quan of the Chinese American Democratic Club commended the school Board's decision last night. He called the new policy 'a move in the right direction,' but said the lawsuit will go forward" (Asimov 1996b). Still other parents "feared the new policy will diminish Lowell's standing as a stellar academic high school, resulting in what one parent called 'the sinking of the flagship school in the district'"(Asimov 1996b).

Evident within their determination to pursue the lawsuit, the supporters and plaintiffs of the *Ho* lawsuit were not satisfied with the newly revised admissions policy for Lowell and believed that "there (was) still an implicit quota system" (Asimov 1996c). Chinese for Affirmative Action "was the lone supporter of Lowell's new policy. . . . 'We felt that it addressed the whole issue of equitable distribution of resources,' said Tse Ming Tam, CAA acting executive director" (Admissions Requirements 1996). The new admissions policy was put into place and Lowell's Class of 2000, the incoming freshmen class of 1996, was chosen according to the new criteria.

In late August 1996 the racial and ethnic composition of the Class of 2000 was revealed amidst mixed feelings—some of anger and others of approval—on the part of teachers, administrators, parents, and students:

> "The admissions plan provides equity at last, while allowing the district to meet its affirmative action obligations," said Marsha Cohen, a Lowell parent who chaired the admissions committee. "There is no perfect way to distribute a scarce resource that so many people feel they want for their child." (Asimov 1996d)

Both the Chinese American supporters of the *Ho* lawsuit and the African American community as represented by the NAACP expressed disapproval of the new policy. Daniel Girard, the lawyer representing the *Ho* plaintiffs, stated that the policy was "still race-conscious and. . .still illegal" (Asimov 1996d). The NAACP attorney, Peter Graham Cohn, believed that Black, Latino, and Native Americans should have been evaluated on the broader criteria, such as socioeconomic status, special circumstances, and talent, as opposed to just their race.

> "The school district has informed us that all the youngsters were in fact evaluated under the new admissions criteria," he (Cohn) said. "If the district did not do what it has indicated it was going to do, what's at risk here is the status of the students in the school." (Asimov 1996d)

The *Ho* plaintiffs and supporters reacted by pressing for a hearing for their case, which they were granted.

Meanwhile, the racial composition of Lowell students in the 1996-1997 school year demonstrated the gross under-representation of African American and Latino students. The Chinese student population continued to exceed the enrollment caps set by the Consent Decree.

The utilization by the Chinese American plaintiffs of the neo-conservative arguments of equality, discrimination, and merit presented a powerful case within the context of the anti-affirmative action backlash. When the Rojas proposal was passed in 1996 and utilized by the district, one can see that within the first year of its implementation, there was still under-representation based on race compared to the district's racial and ethnic breakdown.

On October 10, 1996, the U.S. District Court Judge William

Table 1: Lowell High School Enrollment by Race, 1996-1997 School Year

	Percentage	Total Enrolled
Latino	10.6%	289
Other white	16.6%	450
African American	4.7%	129
Chinese	42.3%	1150
Japanese	1.8%	48
Korean	3.5%	94
American Indian	0.1%	4
Filipino	7.1%	194
Other Non-white	13.2%	358
Total	100%	2716

Source: SFUSD, 1996.

Table 2: San Francisco Unified School District High School Enrollment by Race, 1996-1997 School Year

	Percentage	Total Enrolled
Latino	18.7%	3592
Other white	11.8%	2267
African American	15.2%	2912
Chinese	30.5%	5851
Japanese	1.0%	200
Korean	1.5%	278
American Indian	0.6%	108
Filipino	8.8%	1682
Other Non-white	11.9%	2278
Total	100%	18634

Source: SFUSD, 1996.

Orrick agreed to hear the *Ho* case and its challenge to the SFUSD's desegregation mandate. Even though the district changed the admissions policies at Lowell High School, "it was too late to stop the suit, which only grew larger in scope" (Asimov 1996e). Because the *Ho* plaintiffs and supporters were also seeking to end racial and ethnic caps for enrollment within the district, they proceeded with the lawsuit and sought to end all desegregation policies and funding by targeting the 1983 Consent Decree.

The superintendent, the district, and the NAACP argued that the suit be dismissed because African American and Latino students "still desperately need its help" (Asimov 1996e).

Judge Orrick desired to hear both sides of the argument and did not indicate favor toward either the *Ho* plaintiffs or the school district. On May 7, 1997, the supporters and plaintiffs of the *Ho* lawsuit asked Judge Orrick to dismiss the entire desegregation plan, the 1983 Consent Decree, and Judge Orrick refused to do so:

> A legal petition to eliminate race-based admissions in San Francisco's public schools was rejected yesterday by the judge who signed the original order. In his ruling, U.S. District Judge William Orrick said court-supervised desegregation orders such as the 1983 Consent Decree must be terminated when their goals have been met, but added that it is unclear that goal has been fulfilled in the San Francisco Unified School District. (Schwartz 1997)

The judge also cited evidence that there existed some schools who were "not complying with the 40 and 45 percent caps and that some segregation still exists for black and Latino students" (Schwartz 1997). The supporters of the *Ho* lawsuit continued to utilize neoconservative rhetoric to advance their position:

> Amy Chang of the Asian American Legal Foundation, which supports the *Ho* suit said, "We consider the decision today to be anti-progressive. . . . The San Francisco school district, the state, and the NAACP have put themselves in the same position as George Wallace in the early 1960s—they are saying quotas then, quotas now, and quotas forever. . . . The Chinese American community is fighting for the right of all children to attend school free of racial discrimination." (Schwartz 1997)

Chang's focus on quotas and the alleged discriminatory aspects of the Consent Decree were her attempts to demonstrate that the *Ho* plaintiffs and supporters were not supporting a stance that would solely benefit Chinese American students and harm African American and Latino students.

As the legal battle between the Chinese American plaintiffs and supporters of *Ho*, the school district, and the NAACP continued, in August 1997 Governor Pete Wilson publicly endorsed the *Ho* lawsuit, believing that the Consent Decree was equivalent to a racial quota and encouraged members of the State Board of Education to support his opinion (Asimov 1997). The attorney for *Ho* plaintiffs stated that they would have dropped the lawsuit years ago if the district would have just eliminated what they deem to

be racial quotas in enrollment procedures. This is where the tide starts to turn in favor of the *Ho* suit, and the case is subtly re-framed from an issue of desegregation to one of racial quotas. Wilson's push to end affirmative action was also part of the reason he chose to endorse *Ho*. He made the end of affirmative action one of his presidential campaign platforms. "From spring 1995 on, Wilson played the issue of affirmative action. . .keeping it on the front page of every California newspaper"(Chavez 1998).

The national and statewide movements against affirmative action often framed the policy as utilizing racial quotas in the mid-1990s. While a majority of the general public supported affirmative action, some of the same people disliked quotas. By 1998, affirmative action had been ended in the University of California system as well as outlawed in the state of California. This larger political context may or may not have influenced the federal judge, Orrick, whom nearly two decades before demonstrated unequivocal support for desegregation. What did change over two decades were how the issue was framed and the onslaught of anti-affirmative action court cases that were springing up across the nation.[10] The 1983 Consent Decree was no longer viewed as a desegregation mandate but a policy that enforced quotas in monitoring the percentage representation of different racial and ethnic groups at each school.

It is this focus on quotas to which Judge Orrick decided to limit the lawsuit. In December 1998, he ruled that in order to keep the Consent Decree, "the district must show that the discriminatory practices that led to its creation in 1983 persist today" (Asimov 1998). The judge warned the district that if they did not provide evidence that public schools still discriminate against Black and Latino students, they might lose their Consent Decree and the annual $37 million in desegregation funding from the state. Orrick's "warning puts Superintendent Bill Rojas, a Latino, and Tony Anderson, an African-American who runs the desegregation system, in the extraordinary position of stepping up efforts to prove that the district still discriminates" (Asimov 1998).

In response to the judge's warnings, on February 17, 1999, the school district submitted an enrollment plan to the court that ended the primacy of racial considerations in school enrollment. This new plan was submitted in order to avert a trial. "The agreement among the Chinese American families, the school district and

the NAACP means that children would no longer be turned away from schools that had exceeded their quota of those children's ethnicity" (Asimov 1999a).

The new enrollment guidelines considered criteria other than race in making enrollment decisions. These criteria included both residential and socioeconomic considerations for students who: "live near the school of their choice, children with siblings already enrolled there, and children from low-income areas in the Mission, Bernal Heights, Bayview-Hunters Point, Excelsior, Portola and Visitation Valley. . . ." (Asimov 1999b). However, race was still considered as secondary criteria along with those listed above, with special consideration given to African Americans, Latinos, and Native Americans who applied to Lowell High School. This agreement also required that the SFUSD's desegregation plan end by December 31, 2002, meaning that the district agreed to give up the $37.6 million dollars given to the district by the state to fund its desegregation efforts.[11]

Regardless of the district's efforts to continue to racially balance the schools, the under-representation of African Americans and Latinos at Lowell became more pronounced in the following two years as racial considerations were increasingly put on the backburner. While Latinos and African Americans remained grossly under-represented at Lowell, Chinese students were already enrolled at a higher rate than the enrollment cap allowed. Table 3 demonstrates the slight drops in Latino and African American enrollment and the 5 percent increase in Chinese American students.

Table 3: Lowell High School Enrollment by Race, 1999-2000 School Year

	Percentage	Total Enrolled
Latino	9.2%	233
Other white	17.9%	454
African American	4.1%	104
Chinese	47.1%	1197
Japanese	1.5%	39
Korean	2.4%	62
American Indian	0.4%	9
Filipino	4.6%	117
Other Non-white	12.9%	328
Total	100%	2543

Source: SFUSD, 2001.

The pernicious effects of the move toward not considering race can be viewed most clearly in the 2000-2001 school year. Race-based policies in San Francisco Unified School District came to an end on December 18, 1999 when Judge Orrick ruled that race could not be used as a factor in admissions or student enrollment assignments. Orrick "outlined two courses of action the district could take to finalize an admissions system—the district could craft a totally new policy, or revert to the system which governed 1999 admissions" (Leung and Gee 2000). In 1999, admissions was governed by a race-neutral plan, "which admitted 80 percent of applicants based on academic achievement. The remaining 20 percent will gain admission based on grades and other factors such as extracurricular activities and income." The Chinese American plaintiffs said, through their lawyer, that they were "very satisfied with Orrick's ruling" (Leung and Gee 2000).

In the spring of 2000, the effects of the race-neutral policy were revealed when Lowell admissions was decided for the following fall semester. The number of African Americans and Latinos again dropped drastically at Lowell due to the exclusion of race from admissions decisions. "African-American students make up only 1.51 percent (13 of 861) of this year's acceptances. . . . Only 4.65 percent (40 of 861) of this year's accepted freshmen fall into the Latino 'Spanish surname' category, down from last year's 5.4 percent (47 out of 864)" (Lowell 2000). Latino enrollment dropped at Lowell by over 2 percent, while African American enrollment plunged from 4.1 percent to 2.7 percent. (See Table 4.)

These numbers demonstrate the under-representation of these groups based on the total high school population in the San Francisco Unified School District in Table 5.

Chinese American enrollment at Lowell increased by almost 4 percent, over-representing Chinese American high school students at Lowell by approximately 18 percent.

In 2001-2002, Chinese American students comprised 52.9 percent of the total students at Lowell High School. At the time they represented only 34.3 percent of the total high school population. In contrast, African Americans represented 2.3 percent of the students at Lowell, while Latinos comprised 5.6 percent of the student body. In the district as a whole, African Americans represented 13.8 percent of all high school students, while Latinos represented 18.1 percent (SFUSD 2001). A mere three years after the

Table 5: San Francisco Unified School District High School Enrollment by Race, 2000-2001 School Year

	Percentage	Total Enrolled
Latino	18.3%	3418
Other white	11.9%	2220
African American	14.0%	2603
Chinese	33.0%	6158
Japanese	0.9%	177
Korean	1.1%	200
American Indian	0.5%	93
Filipino	7.8%	1446
Other Non-white	12.2%	2272
Declined to State	0.3%	47
Total	100%	18634

Source: SFUSD, 2001.

Table 4: Lowell High School Enrollment by Race, 2000-2001 School Year

	Percentage	Total Enrolled
Latino	7.0%	175
Other white	18.6%	465
African American	2.7%	67
Chinese	51.2%	1284
Japanese	1.6%	40
Korean	2.3%	57
American Indian	0.3%	8
Filipino	4.4%	110
Other Non-white	11.8%	295
Declined to State	0.2%	5
Total	100%	2543

Source: SFUSD, 2001.

Ho suit was settled, both African American and Latino enrollment dropped by nearly 50 percent.

Lowell was not the only school in the district that has become less racially and ethnically diverse. Stuart Biegel, an independent monitor hired by the state to evaluate the desegregation plan, reported that the district has become re-segregated due to the end of racial quotas:

> For 15 years, San Francisco had been among the most diverse urban school systems in the country. Last fall. . .racial quotas

> in school admissions were abolished, and the district began using what is essentially a first-come, first served system of deciding which students go to which schools. As a result, only 20 out of 116 city schools are "racially identifiable," according to the study. (Asimov 2000)

The individualistic efforts by the CADC served to end all efforts to racially integrate San Francisco public schools and to greatly increase Chinese American enrollment at Lowell High School. While the CADC may have viewed this as a victory of sorts, their success came at the expense of Latino and African American access to the premier academic high school.

Conclusion

In terms of the Asian American community, the *Ho* lawsuit generated great tension between politically powerful and influential organizations such as the CADC and Chinese for Affirmative Action, both of whom publicly fought out this legal battle.

The Asian American community becomes fractured when some groups choose to advocate political stances that are not beneficial to the group as a whole. Moreover, neo-conservative Asian Americans, such as the supporters of the *Ho* lawsuit, cannot have it both ways. They cannot trumpet the educational success of their communities, while also claiming discrimination. The Chinese American supporters of the *Ho* lawsuit were not only articulating their race in specified ways, they were also articulating, albeit limited, power.[12] Furthermore, their discursive stance that articulates their racial positioning as both victims and success stories masks this articulation of race and utilization of power.

Critical dialogue and debate must occur between progressive and neo-conservative Asian American groups, who in this article are represented by Chinese for Affirmative Action and the CADC respectively. Ong states, "An enlightened and socially productive debate requires that both sides engage the issues rather than having one side frame the issue through polemics" (Ong 2000). An open and honest debate is the only way to break through the stereotypes that emerge from the backlash against race-based policies and to unmask the misconceptions constructed and supported by "color-blind" rhetoric.

Moreover, neo-conservative Chinese American supporters of the *Ho* lawsuit must closely examine how their stance is perceived

by the larger Asian American community and other communities of color. As they articulate power and pursue their own individualistic ends, they may generate deep antipathy from groups who historically have not been able to articulate power, such as African Americans and Latinos. The Chinese American community who supported the *Ho* lawsuit effectively negated the needs of other minority communities. While Chinese American students were overrepresented at Lowell High School, they pushed for more admissions, ignoring the paucity of Black and Latino students. Within Asian American communities alone, there are distinct pockets of poverty, groups who do not access elite universities or post-secondary education at high rates, and recent immigrants who experience overcrowded housing conditions in urban ghettoes (Nishioka 2003). The impact of this strategy by the *Ho* supporters for the civil rights of Asian Americans is that they distance themselves from the larger Asian American community and other communities of color.

The widespread acceptance of the arguments presented by the supporters of the *Ho* lawsuit may be taken by some to mean not only are Chinese Americans successful high achievers, but could be conflated with their racial identity as Asian American. The result could be that Asian Americans who are not well represented in elite universities not gain the benefits of race-based considerations. The *Ho* lawsuit presents an argument in which a minority group is arguing against desegregation, supporting the use of the Asian American Model Minority stereotype. While Asian Americans are often lumped together and perceived as this arguably positive stereotype, different Asian ethnic groups vary greatly in their educational attainment and socioeconomic status. This stereotype only works to obscure the differences and needs of each Asian American ethnic community. Hune and Chan assert that "APAs are excluded from the racial discourse on education because. . .they are a 'model minority' and not in need of attention from educators" (Hune and Chan 2000).

The CADC's use of racial imagery and re-articulation[13] of Civil Rights themes situated Chinese Americans as ones who were being wronged by the system of desegregation in San Francisco. They successfully captured media attention and garnered widespread support because they fit into a larger backlash against affirmative action and other race-based policies. They exploited the current political context and backlash against affirmative action to

further their case and focused on their position as a minority group and victim of discrimination.

In contrast, the school district and the NAACP remained steadfast in their support of desegregation and did not attempt to frame it within the more popular neo-conservative political and social context. The San Francisco Unified School District and the NAACP remained glued to the idea that an argument based on racial diversity and providing opportunities to under-represented groups was a legally and politically viable one. The neo-conservative arguments of the CADC and the *Ho* plaintiffs presented a powerful picture of their definitions of discrimination. Civil rights law and advocacy have not kept pace with the continual "spinning" occurring in neo-conservative camps.

One simple solution would be that broader and more equitable solutions be supported by all racial minority groups; however, in these neo-conservative times, it becomes confusing as to who is actually advocating progressive, social goals. The political rhetoric of color-blindness and how the *Ho* plaintiffs framed themselves as simultaneous victims and success stories worked in their favor. For example, both groups utilized the same fight words such as equality and discrimination toward contrasting ends.

These neo-conservative renditions of equality and racial discrimination lead to the issue of inter-minority conflict that was also engendered by *Ho* plaintiffs and their supporters. While the CADC and the *Ho* plaintiffs pursued their case, they often referred to the unfairness that Chinese American students were experiencing due to the racial and ethnic enrollment caps. In doing so, they worked to perpetuate the Model Minority stereotype. The diametric opposite of the Model Minority is the underachieving, undeserving African American and Latino students who allegedly largely benefit from policies such as the Consent Decree and affirmative action. Thus, the CADC also propagated these negative stereotypes along with their arguably positive one, subtly differentiating themselves from these groups, who in the end were hurt by the outcomes. While Chinese American students benefited, not only was African American and Latino access reduced but negative racial imagery was used by the supporters of the *Ho* lawsuit to achieve this. In the end the re-articulated versions of racial equality and discrimination force those who support race-based policies to re-think how they do political battle with neo-conservatives.

Notes

1. Through the *Brown* decision, the Supreme Court attempted to legislate racism as illegal and unconstitutional. The Supreme Court, along with the NAACP, believed if schools could be desegregated, then so could the rest of society. David Kirp observes, "If the society as a whole cannot be integrated by law, it is thought, at least the schools can. Schools have also been regarded as a lever to more general social reform: integration in the schools just might catalyze wider change, brought about by a new and more tolerant generation." The NAACP sought to end legalized desegregation in public education, believing that it would lead to more widespread change throughout American society (Kirp 1982).
2. Matsuda and Lawrence in their arguments for affirmative action situate Asian Americans as both victims and success stories. Their analysis of media portrayals demonstrates that Asian Americans are often portrayed inaccurately in order to situate them within the Model Minority stereotype/framework (Matsuda and Lawrence 1997).
3. The *NAACP* suit against San Francisco Unified was not isolated to schools and segregation. For example, because of Superintendent Alioto's Redesign Plan, the residential lines were re-drawn, schools were closed, and students shuffled to accommodate school closures, and this greatly impacted schools in pockets of the city that were mainly populated by African Americans. The 1979 *NAACP* suit was a direct response to the results of Alioto's Redesign Plan, specifically how it mandated school closures in predominantly Black neighborhoods such the Bayview-Hunter's Point area of the city.
4. San Francisco Unified School District, Consent Decree Document, Department of Integration, 9.
5. Kirp describes the political and legal battles fought in San Francisco over the issue of desegregation and unequal schools in the 1960s and 1970s. Kirp describes the inability of the school district and city government officials to come to a common ground in which desegregation plans were effectively carried out to the satisfaction of the parties involved. The case he describes, *Johnson* v. *SFUSD*, was the last case filed before the NAACP sued the district in 1983 (Kirp 1982).
6. The beginning of Lowell's involvement in desegregation began "(i)n September (of)1971. . .(T)he Youth Law Center filed a suit against the San Francisco Unified School District alleging that by maintaining a city-wide, non-districted academic high school, admission to which is based on academic standards, the school district discriminates against" low-income, minority and female students. The Youth Law Center deemed this to be unconstitutional (Oldest Public High School 2001).
7. For example, Chinese for Affirmative Action's mission statement is "To defend and promote the civil and political rights of Chinese

and Asian Americans within the context of, and in the interest of, advancing multiracial democracy in the United States." Chinese for Affirmative Action, "Mission Statement," September 18, 2001, http://www.caasf.org/

8. The overcrowding concerned all Lowell High School parents, regardless of race, and school administration and personnel. A twenty-member committee was formed by the district to untangle Lowell's admission mess (Asimov 1999c).
9. The district-sponsored committee that was assembled to work out a new admissions policy for Lowell announced a tentative plan in the summer of 1995. Carol Kocivar, a Lowell parent, headed up a panel attempting to develop new admissions for Lowell. The members of this panel included members from both Chinese for Affirmative Action and the Chinese American Democratic Club. The group as a whole agreed that they did not want a lottery to decide Lowell admissions. The tentative plan called for eliminating the differential scores required of different racial/ethnic groups. Eighty percent of the students would be admitted on the basis of academic criteria. "The remaining applicants would be judged under a broader set of criteria, including teacher recommendations, talents, experiences, socioeconomic background—as well as ethnicity, so that the district's ethnic balance requirements would be met," said Kocivar. Rojas added more criteria to the second tier of admissions such as "community service, leadership activities, writing samples, music and art samples. . . ." Both Roland Quan, representing the CADC, and Henry Der, representing Chinese for Affirmative Action, accepted this proposal. However, the CADC then later chose to oppose this proposal because it still considered race for twenty percent of the prospective admits.
10. The Supreme Court's decision in *City of Richmond* v. *J.A. Croson Co*. in 1989 held that any affirmative action plan would be subject to strict scrutiny. The *Richmond* v. *Croson* case was initially filed by a firm that was seeking a city contract and requested to be waived from the set-aside minority contract requirements that the city of Richmond had in place. "Croson. . .filed suit, alleging that the city had violated several laws of the Commonwealth of Virginia as well as the protections inherent in the Fourteenth Amendment to the U.S. Constitution" (Drake and Holsworth 1996).

    This decision appears to have set the legal standards in which other cases challenging affirmative action were able to gain a legal foothold. The Supreme Court decision on the *Gratz* v. *Bollinger* lawsuit continues the nationwide challenges to affirmative action programs that could spell the eventual end of these programs. The Supreme Court decided that racial considerations in admissions at the graduate school level would continue. However, the Court also struck down the use of a point system, in which applicants to the University of Michigan

undergraduate programs were given extra points if they were an under-represented minority. Thus, while the Court allowed affirmative action in graduate admissions to continue, undergraduate institutions will be unable to give special consideration to under-represented minorities based solely on race (Gearan 2003).

11. However, the school district skirts the issue of racial considerations and keeps the desegregation monies by focusing on English Language Learners and recruitment efforts for magnet schools, among other things (SFUSD 2002).
12. Yamamoto (1995) states that "The alignment of influential white individuals and institutions behind these Asian Americans in the arena of affirmative action contributed to limited Asian American power over African Americans and Latinas/os."
13. Re-articulation is the process in which neo-conservatives "redefined racial meanings in such a way as to contain the more radical implications of the 1960s upsurge. Racial discrimination and racial equality—in the neoconservative model—were problems to be confronted only at an individual level. . . ." (Omi and Winant 1994).

References:

"Admission Requirements." 1996. *AsianWeek*, 1 March.

Asimov, Nanette. 2000. "20 S.F. Schools Resegregate, Report Says Ending of Racial Quotas Cited as Cause." *San Francisco Chronicle*, 1 August.

—. 1999a. "Ethnic Quotas in S.F. Public Schools to End—Trial Averted—Pact Will be Revealed Today." *San Francisco Chronicle*, 17 February.

—. 1999b. "Parents Ponder New World of S.F. School Enrollment—Settlement Ends Registration by Racial Quota." *San Francisco Chronicle*, 18 February.

—. 1999c. "Diversity Plan for Lowell High Raises Brows—Proposal Limits Middle School Applicants." *San Francisco Chronicle*, 1 October.

—. 1998. "Ethnic Quotas in S.F. Schools are Under Siege—Judge says Current Bias Must be Shown." *San Francisco Chronicle*, 18 December.

—. 1997. "Wilson Sides with S.F. Chinese Americans on Schools Lawsuit to End Court-Supervised Desegregation." *San Francisco Chronicle*, 21 August.

—. 1996a. "Proposal to Alter Lowell Admissions—S.F. Schools Chief Wants Same Policy for All Races." *San Francisco Chronicle*, 10 January.

—. 1996b. "Single Standard for Admissions at Lowell High." *San Francisco Chronicle*, 28 February.

—. 1996c. "Mixed Reaction to Lowell Decision—New Admission Rule Doesn't Thwart Suit." *San Francisco Chronicle*, 29 February.

—. 1996d. "Lowell Freshmen Reflect New Entry Rules—But Chinese American and Black Leaders Still Unhappy." *San Francisco Chronicle*, 28 August.

—. 1996e. "Desegregation Battle in S.F. Court Heads to Court." *San Francisco Chronicle*, 10 October.

—. 1993a. "Students Battle for Admission to Top S.F. School." *San Francisco Chronicle*, 19 April.
—. 1993b. "Lowell High Fails Desegregation Test." *San Francisco Chronicle*, 9 September.
Chavez, Lydia. 1998. *The Color Bind—California's Battle to End Affirmative Action*. Berkeley: University of California Press.
Der, Henry. 1994. Preliminary Analysis of Brian Ho v. SFUSD. Chinese for Affirmative Action, 9 September.
—. 1993. San Francisco School Desegregation and Chinese Students. Chinese for Affirmative Action, 20 April.
Drake, Avon W. and Robert D. Holsworth. 1996. *Affirmative Action and the Stalled Quest for Black Progress*. Chicago: University of Illinois Press.
Doyle, Jim. 1993. "Groups Argue Involvement in School Issue." *San Francisco Chronicle*, 9 April.
Gearan, Anne. 2003. "Supreme Court Preserves Narrow Use of Affirmative Action in College Admissions." *San Francisco Chronicle*, 23 June.
Ho v. *SFUSD*, CV94 2418 WHO.
Hune, Shirley and Kenyon S. Chan. 2000. "Educating Asian Pacific Americans: Struggles and Progress." P. 141 in *Asian Americans—Experiences and Perspectives*, ed. Timothy P. Fong and Larry H. Shinagawa. New Jersey: Prentice Hall.
Kirp, David. 1982. *Just Schools—The Idea of Racial Equality in American Education*. Berkeley: University of California Press.
Leung, Jennifer and Lisa Gee. 2000. "Admission Picture 'Uncertain' After Court Order." *The Lowell*, 18 February.
Lim, Gerard. 1994. "Lawsuit Over Chinese American Enrollment: Class Warfare By the Bay." *AsianWeek*, 19 August.
"Lowell Accepts Fewer Minorities for Class of 2004." 2000. *The Lowell*, 14 March.
Matsuda, Mari and Charles Lawrence III. 1997. *We Won't Go Back—Making the Case for Affirmative Action*. Boston: Houghton Mifflin.
Nishioka, Joyce. 2003. "Socioeconomics—The Model Minority?" Pp. 29-35 in *The New Face of Asian Pacific America—Numbers, Diversity & Change in the 21st Century*, eds. Eric Lai and Dennis Arguelles. San Francisco: *AsianWeek*.
"Oldest Public High School West of the Mississippi, The." 2001. Lowell website, <http://lhs.lowell.k12.ma.us/> as of September 17 .
Omi, Michael and Howard Winant. 1994. *Racial Formation in the United States—From the 1960s to the 1990s*, 2nd edition. New York: Routledge.
Ong, Paul M. 2000. "The Affirmative Action Divide." P. 350 in *The State of Asian Pacific America—Transforming Race Relations*, ed. Paul M. Ong. Los Angeles: LEAP Asian Pacific American Public Policy Institute and UCLA Asian American Studies Center.
San Francisco Unified School District. 2002. "Excellence for All—A Five Year Comprehensive Plan to Achieve Educational Equity in the San Francisco Unified School District for School Years 2001-02 through 2005-06." 24 January.

—. 2001. San Francisco School Profiles.
—. 1996. San Francisco School Profiles.
San Francisco NAACP, et al. v. *SFUSD, et al.*, C 78 1445 WHO.
Schwartz, Stephen. 1997. "Anti-Desegregation Bid Rejected Judge Refuses to End Race-based School Admissions." *San Francisco Chronicle*, 7 May.
Wagner, Venise. 1994. "SF Sued Over School Admission Quotas." *San Francisco Chronicle*, 11 July.
Woo, Elaine. 1995 "Caught on the Wrong Side of the Line." *Los Angeles Times*, 13 July.
Yamamoto, Eric K. 1999. *Interracial Justice—Conflict & Reconciliation in Post-Civil Rights America.* New York: New York University Press.
Yip, Alethea. 1995. "Class-Action Suit Sought on School Caps." *AsianWeek*, 6 October.

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