



April 11, 2023

Stephen Gilchrist
Commissioner

J. Christian Adams
Commissioner

Victoria Nourse
Commissioner

Rochelle Garza
Commissioner

Gail Heriot
Commissioner

Mondaire Jones
Commissioner

Peter Kirsanow
Commissioner

Glenn Magpantay
Commissioner

U.S. Commission on Civil Rights

RE: The Federal Response to Anti-Asian Racism in the United States, and affirmative action in higher education

Dear Commissioners Gilchrist, Adams, Nourse, Garza, Heriot, Jones, Kirsanow, and Magpantay:

I write on behalf of the Southeast Asia Resource Action Center (SEARAC) to comment on ongoing efforts by the U.S. Commission on Civil Rights to respond to anti-Asian racism, and to address comments made about affirmative action during the Commission's hearing on March 24, 2023. Founded in 1979, SEARAC is a national civil rights organization that builds power with diverse communities from Cambodia, Laos, and Vietnam to create a socially just and equitable society. As representatives of the largest refugee community ever resettled in the United States, SEARAC stands together with other refugee communities, communities of color, and social justice movements in pursuit of social equity.

For years, SEARAC has strongly supported affirmative action and race-conscious college admissions. We have repeatedly denounced efforts to end race-conscious admissions policies and partnered with other civil rights advocates in a show of broad public support for affirmative action, increasing racial diversity on college campuses, and expanding access to higher education to those who have been historically excluded from it, including Southeast Asian Americans (SEAA). Asian Americans, including SEAAAs, support affirmative action: 69% of Asian American voters were in favor of affirmative action programs designed to help Black and Latinx community members, women, and other underserved student populations overcome systemic barriers in pursuit of higher education. Affirmative action policies benefit Asian American

students by allowing schools to consider the broad range of a student's background and experience, and according to a 2021 report by Georgetown University, roughly one out of five Asian Americans currently enrolled in elite colleges benefited from holistic admissions reviews beyond test scores.

SEARAC's previous statements on affirmative action over the past decade have also highlighted the equitable impacts of affirmative action specifically for SEAs. According to data from the U.S. Census Bureau, 67% of Laotian Americans, 63% of Hmong Americans, and 51% of Vietnamese Americans have not attended college. Contrary to the racialization of Asian Americans as a high-achieving "model minority," SEAs face numerous obstacles to pursuing higher education, due to persistent and systemic racial inequities in PK-12 education and in college access and enrollment. These include experiencing high rates of poverty, inadequate support for English learners, and being the first in their families to pursue college but lacking the supports, like school counselors, to succeed. Further data on the educational inequities that SEAs experience can be found in our 2020 report *Southeast Asian American Journeys*.

At the same time, SEA students' life stories – and their resilience and perseverance – that are associated with their experiences with race, ethnicity, and history, are formative and central to their sense of identity. SEA students critically benefit from race-conscious, holistic admission policies, a fact that Students For Fair Admissions, the anti-affirmative action plaintiff in the ongoing Supreme Court case against Harvard University, highlighted when the group excluded SEA students from its definition of Asian students in a complaint against Yale's affirmative action policy.

We must uphold race-conscious policies to ensure that the entire life experience of a student is considered in the college application process, including the very real impact that race, ethnicity, and gender have on students' educational and lived experiences. Affirmative action helps level the playing field for students of color, including SEA students, who have faced barriers to accessing educational opportunities because of how advantages and disadvantages often fall along racial lines. SEARAC reaffirms our support for affirmative action and condemns efforts to oppose these civil rights policies.

Thank you for the opportunity to comment on the federal government's response to anti-Asian racism in the U.S. If you have any questions, please contact Kham S. Moua (he/him), SEARAC National Deputy Director, at kham@searac.org, or Anna Byon (they/them), SEARAC Director of National Policy, at anna@searac.org.

Sincerely,



Katrina Dizon Mariategue
Acting Executive Director
Southeast Asia Resource Action Center