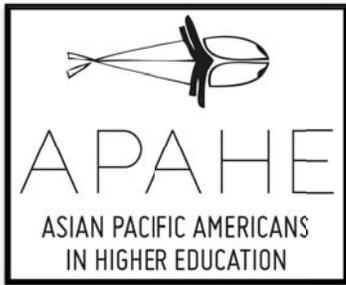


# 80-20's College Admissions Survey: Important Evidence or Junk Science?<sup>1</sup>



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## I. 80-20's Claims vs. Sound Survey Methods

In its recent brief to the U.S. Supreme Court in *Fisher v. University of Texas at Austin*, the educational foundation of the 80-20 organization makes the following claim:

80-20 speaks for the Asian American community with authority by virtue of its open and neutral national surveys of the community. 80-20's historically unprecedented survey of approximately 47,000 Asian Americans revealed overwhelming support (by a more than 52-1 ratio) within the community for race-neutral, merit-based college admission policies.<sup>2</sup>

80-20's President, S.B. Woo held out the survey as a "mandate" and their press release states the survey "revealed an overwhelming AsAm consensus" and that Asian American organizations with contrary views are "only

speaking for themselves, not the community."<sup>3</sup> However, as will be demonstrated, 80-20's aggressive claims that it "speaks" for the Asian American community and has a "mandate" are irrevocably undermined by the fact that its "survey" fails to satisfy accepted canons of sound survey research.

Key problems with surveys like 80-20's are aptly summarized in the *Reference Guide on Scientific Evidence* published by the Federal Judicial Center and the National Research Council:

At [one] extreme is the self-selected Web survey in which Web users in general, or those who happen to visit a particular Web site, are invited to express their views on a topic and they participate simply by volunteering. Whereas the list-based survey enables the researcher to evaluate response rates and often to assess the representativeness of respondents on a variety of characteristics, the self-selected Web survey provides no information on who actually participates or how representative the participants are. Thus, it is impossible to evaluate nonresponse error or even participation rates. **Moreover, participants are very likely to self-select on the basis of the nature of the topic. These self-selected pseudosurveys resemble reader polls published in magazines and do not meet standard criteria for legitimate surveys admissible in court. Occasionally, proponents of such polls tout the large number of respondents as evidence of the weight the results should be given, but the size of the sample cannot cure the likely participation bias in such voluntary polls.**<sup>4</sup> (bold added)

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<sup>1</sup> This policy paper was endorsed by the APAHE board and was drafted by APAHE board member William Kidder.

<sup>2</sup> Brief Amicus Curiae of the Brandeis Center for Human Rights Under Law, the 80-20 National Asian American Educational Foundation et al., p. 2, (May 29, 2012).

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<sup>3</sup> 80-20 Files Amicus Brief in Support of the Petitioner in "Fisher v. Univ. of Texas," PR Newswire Press Release, May 30, 2012.

<sup>4</sup> Shari Seidman Diamond, *Reference Guide on Survey Research*, in FEDERAL JUDICIAL CENTER, NATIONAL RESEARCH COUNCIL ET AL., REFERENCE GUIDE ON SCIENTIFIC EVIDENCE 359, 407-08 (3<sup>rd</sup> ed. 2011) available at [http://www.fjc.gov/public/pdf.nsf/lookup/SciMan3D01.pdf/\\$file/SciMan3D01.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/SciMan3D01.pdf/$file/SciMan3D01.pdf).

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For context it is important to note that 80-20 is a political action committee that endorses candidates, funds political attack ads, and so on (though 80-20's educational foundation and its PAC are nominally distinct, they have an overlapping board) and its funding structure is built largely upon annual membership dues.<sup>5</sup> Thus, it is not irrelevant that 80-20 self-identifies its main strength to be its outreach and solicitation "mass emails" that are a means of growing its dues-paying membership base.<sup>6</sup> 80-20's survey of attitudes about college admissions policy is an integral part of its mass email communications strategy.<sup>7</sup> While all this represents standard fare in the arena of political discourse and free speech, the point here is that this political context reinforces concerns about participation bias in the 80-20 survey.

Given that participants in 80-20's "survey" are self-selected (and this self-selection pattern is reinforced via non-random email solicitations and networks), the claim to present an "open and neutral" survey is empty rhetoric without any scientific meaning. Likewise, 80-20's pledge to provide a list of survey respondents with their cities/states is a meaningless gesture of pseudo-accountability, since knowing that a respondent e.g., lives in Los Angeles is hardly sufficient to conduct a real-time evaluation of participation bias.

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<sup>5</sup> See Ivan V. Natividad, *The 80-20 Initiative: Critiques and Controversies*, HYPHEN MAGAZINE, May 28, 2012.

<sup>6</sup> Natividad, *id.* (quoting Ved Chaudhary, leader of 80-20's PAC: "Our strength is in our mass emails ... It has helped us double our membership within the past year.")

<sup>7</sup> See e.g., Email from 80-20 President S.B. Woo to the 80-20 listserv, May 30, 2012 (subject line: "Proof: YOU made a difference for your children") referencing press coverage of 80-20's brief in *Fisher*; 80-20 Blog, October 2011 ("80-20 SHALL die, if it fails to double its membership this year. Save 80-20 please."), available at

<http://80-20initiative.blogspot.com/2011/10/80-20-is-again-dying.html>.

An infamous and instructive historical example highlighting the dangers of participation bias in survey research is the fiasco whereby the *Literary Digest* magazine predicted (days before the 1936 presidential election) that Al Landon would decisively defeat Franklin Roosevelt. The *Literary Digest* engaged in a massive effort to reach a large sample (sending out ten million postcards), so the magazine could surely claim their straw poll was "open and neutral." However, the *Literary Digest* poll was doomed by a combination of nonresponse bias (by a wide margin Landon supporters were more likely to return straw ballots) and by sampling bias, causing it to predict that Roosevelt would only garner 41% of the vote when in reality 61% of the electorate supported Roosevelt in the 1936 election.<sup>8</sup>

A more recent example of the same problem of participation bias is the National Geographic Society's web survey, which had a sample size that closely mirrors the one now touted by 80-20.<sup>9</sup> Though this poll had 50,000 respondents, it was later determined that the National Geographic Society's survey did not reflect the general population because their participants represented a "cultural as well as electronic elite" much more interested in cultural events like visiting art galleries, museums and seeing live theater.<sup>10</sup> In the case of 80-20's survey, overt political advocacy is a more salient feature than in the *Literary Digest* and National Geographic Society examples, so here concerns about participation bias loom even larger.

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<sup>8</sup> Dominic Lusinchi, "President" Landon and the 1936 *Literary Digest* Poll, 36 SOCIAL SCIENCE HISTORY 23, 26, 38 (2012).

<sup>9</sup> Diamond, *supra* at 408 n.212 (citing Mick P. Couper, *Web Surveys: A Review of Issues and Approaches*, 64 PUBLIC OPINION QUARTERLY 464 (2000).

<sup>10</sup> Couper, *id.* at 480-81.

## II. Evidence from Voting & Attitude Surveys

The weight of scholarly studies exploring the attitudes of Asian Americans with respect to affirmative action (including in college admissions) belie 80-20's claim that there is an overwhelming consensus against such policies.<sup>11</sup> Several lines of evidence – voting behavior, representative college student surveys, and representative population surveys – provide convergent support for the conclusion that 80-20's claim that its survey represents a consensus or mandate is highly misleading.

In terms of how Asian Americans actually vote, the most relevant case study is California because it has by far the largest Asian American population in the U.S. While about 62% of white voters supported California's Proposition 209 – which banned affirmative action in University of California admissions as well as in state employment and contracting – polls by the Voter News Service/*L.A. Times* and the Field Institute reveal that among Asian American voters' support for Prop 209 was only in the range of 39% to 44%.<sup>12</sup> This point is acknowledged even by the American Civil Rights Institute founded by Prop 209 co-chair Ward Connerly.<sup>13</sup> Moreover, both Asian American

Democrats and Republicans opposed Prop 209, in contrast to the sharper party divisions found within other racial and ethnic groups<sup>14</sup> (this point is relevant to the discussion above about 80-20's survey and participation bias).

Washington state passed a similar ban on affirmative action in 1998, and while ethnic-specific polling data are not available, precinct-level voting in predominantly Asian American neighborhoods suggest they voted decidedly against the initiative.<sup>15</sup> In Michigan, Asian Americans were only 1% of voters in 2006 when there was a ballot initiative to ban affirmative action, so random sample polls did not allow separate reporting,<sup>16</sup> but purposive sampling to reach large numbers of Asian Americans again suggest that Asian Americans voted against the initiative by a significant margin.<sup>17</sup>

Turning to surveys of Asian American college students about admissions – particularly relevant in the present debate about *Fisher* – the largest representative research come from the Cooperative Institutional Research Program's (CIRP) surveys of freshmen and seniors. The CIRP freshmen survey asks students whether “affirmative action in college admissions ought to be abolished.” The 1995 to 2005 data for Asian Americans (nearly 120,000 respondents combined) indicate that 51%-52%

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<sup>11</sup> This policy brief does not expressly reference Pacific Islanders simply to be consistent with the research studies cited herein. Moreover, just as affirmative action is a complicated topic when Asian American and Pacific Islanders are treated as a monolithic group, there are important additional complexities with respect to affirmative action and various AAPI ethnic subgroups.

<sup>12</sup> Don T. Nakanishi, *Beyond Electoral Politics: Renewing A Search for a Paradigm of Asian Pacific American Politics*, in GORDON H. CHANG ED., *ASIAN AMERICANS AND POLITICS* 102, 103 (2001); Deborah J. Woo, *Glass Ceiling: A Wake-Up Call for APAs*, in ERIC LAI & DENNIS ARGUELLES EDS., *THE NEW FACE OF ASIAN PACIFIC AMERICA* 224, 225 (2003); Field Institute California Opinion Index, Review of Voting and Political Demography in 1996 table 6 (Feb. 1997) available at <http://field.com/fieldpollonline/subscribers/COI-96-97-Feb-Voting.pdf>.

<sup>13</sup> <http://www.acri.org/209votedemographics.html> (reporting results from the *LA Times* poll).

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<sup>14</sup> Wendy K. Tam Cho & Bruce Cain, *Asian Americans as the Median Voters: An Exploration of Attitudes and Voting Patterns on Ballot Initiatives*, in GORDON H. CHANG ED., *ASIAN AMERICANS AND POLITICS* 133, 149 (2001).

<sup>15</sup> Paul M. Ong, *The Affirmative Action Divide*, in DON T. NAKANISHI & JAMES S. LAI, *ASIAN AMERICANS POLITICS – LAW, PARTICIPATION, AND POLICY* 377, 404 n.65(2003).

<sup>16</sup> <http://www.cnn.com/ELECTION/2006//pages/results/states/MI/I/01/epolls.0.html>

<sup>17</sup> AALDEF, *The Asian American Vote in the 2006 Midterm Elections* (March 2007), available at <http://www.aaldef.org/docs/AALDEF-Exit-Poll-2006.pdf>. Likewise, in Colorado, where an anti-affirmative action ballot initiative was defeated in 2008, separate polling data for Asian Americans do not appear to be available because of the small sample (1% of voters).

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either disagree strongly or disagree somewhat with abolishing affirmative action.<sup>18</sup>

Using CIRP survey data, Professor Park's study reveals an important additional point, which is that when the same freshmen are surveyed again in their senior year, Asian Americans' opposition to abolishing affirmative action rises from 51% to 62.6% (in contrast to whites).<sup>19</sup> Whereas senior surveys have the benefit of students' years of reflection on college life, the CIRP freshmen surveys are administered at orientation events or in the first few weeks of the fall term. An in-depth longitudinal study of UCLA likewise found a shift in Asian American students' attitudes favoring affirmative action by the time students were seniors.<sup>20</sup>

The aforementioned data on Asian Americans' voting patterns and college student attitude surveys are consistent with survey research on adults' policy attitudes, which indicate that Asian Americans are more inclined to support affirmative action than whites (though somewhat less so than African Americans).<sup>21</sup>

Kim and Lee sum up the disjuncture between the survey data versus what are often highly politicized claims: "Asian Americans have a very complicated relationship to affirmative action, but that reality is obscured by the ideological maneuverings of conservatives bent on eliminating these programs."<sup>22</sup>

In light of the evidence discussed herein, it is frankly impossible for a large and responsibly administered survey of Asian Americans to yield results that approximate 80-20's lop-sided results against affirmative action by "more than 52-1 ratio" (a survey favoring affirmative action by a 52-1 ratio would likewise be suspect – a mountain of evidence goes against such extreme claims either way). But unlike the embarrassing Roosevelt-Landon straw poll that led to the demise of the *Literary Digest*, in the contemporary era of polling no organization can assert it is so utterly unaware of the basic canons of survey methodology and still expect to lay claim to the mantle of respectability. Rather, 80-20's "survey" is not worthy of being taken seriously by the Supreme Court, the media or the public.

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<sup>18</sup> Mitchel J. Chang et al., *Beyond Myths: The Growth and Diversity of Asian American College Freshmen, 1971 to 2005* p. 52 (2008), available at <http://heri.ucla.edu/PDFs/pubs/TFS/Special/Monographs/BeyondMyths-AsianTrends.pdf>; see also Linda J. Sax & Marisol Arredondo, *Student Attitudes Toward Affirmative Action in College Admissions*, 40 RESEARCH IN HIGHER EDUCATION 439, 445 table 1 (1999).

<sup>19</sup> Julie J. Park, *Taking Race into Account: Charting Student Attitudes Towards Affirmative Action*, 50 RESEARCH IN HIGHER EDUCATION 670, 678 table 1 (2009).

<sup>20</sup> JAMES H. SIDANIUS ET AL., *THE DIVERSITY CHALLENGE: SOCIAL IDENTITY AND INTERGROUP RELATIONS ON THE COLLEGE CAMPUS* 110-12 (2008). Note this study defined opposition to affirmative action based on a composite of three survey questions, *id.* at 340.

<sup>21</sup> See e.g., Natalie Masuoka, *Political Attitudes and Ideologies of Multiracial Americans*, 61 POLITICAL RESEARCH QUARTERLY 253, 261 table 2 (2008); Dennis Chong & Dukhong Kim, *The Experiences and Effects of Economic Status Among Racial and Ethnic Minorities*, 100 AMERICAN POLITICAL SCIENCE REVIEW 335 (2006); PEI-TE LIEN ET AL., *THE POLITICS OF ASIAN AMERICANS: DIVERSITY AND COMMUNITY* 17, 76 (2004); Linda Lopez & Adrian D. Pantoja, *Beyond Black and*

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*White: General Support for Race-Conscious Policies among African Americans, Latinos, Asian Americans and Whites*, 57 POLITICAL RESEARCH QUARTERLY 633, 636-37 (2004).

<sup>22</sup> Claire Jean Kim & Taeku Lee, *Interracial Politics: Asian Americans and Other Communities of Color*, 34 PS: POLITICAL SCIENCE AND POLITICS, 631, 634 (2001). See also Tiffany O. Howard, *The Perceptions of Self and Others: Examining the Effect Identity Adoption has on Immigrant Attitudes toward Affirmative Action Policies in the United States*, 29 IMMIGRANTS & MINORITIES 86 (2011); Ong, *The Affirmative Action Divide*, *supra*, at 396.