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**VOICES ACROSS  
AMERICA:  
ROUNDTABLE  
DISCUSSIONS OF  
ASIAN CIVIL RIGHTS  
ISSUES**

**United States Commission  
on Civil Rights**

**Summary and transcript of roundtable conferences in  
Houston, New York City, and San Francisco**

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## **U.S. COMMISSION ON CIVIL RIGHTS**

The U.S. Commission on Civil Rights is an independent, bipartisan agency first established by Congress in 1957 and reestablished in 1983. It is directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, handicap, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin;
- Submit reports, findings, and recommendations to the President and Congress.

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**Los Angeles Police Department Asian Chief?**

**Not in the Near Future**

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# **Acknowledgments**

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Harriet Duleep wrote the introduction. The graphics were done by Clarence Gray.

The report was prepared under the overall supervision of James S. Cunningham, Assistant Staff Director for the Office of Programs, Policy and Research.



# Introduction

Throughout much of their history in the United States, Asians have been denied rights considered basic by most Americans. For instance, it was not until 1952 that immigrants from all Asian groups were considered eligible for U.S. citizenship. Today, Asians are entitled to the full panoply of civil rights protections afforded to all Americans; they also are a protected minority and participate in affirmative action programs. However, given the history of discrimination against Asian groups—and continued evidence of anti-Asian prejudice—it is important to learn more about the extent and nature of anti-Asian discriminatory behavior in present-day America.

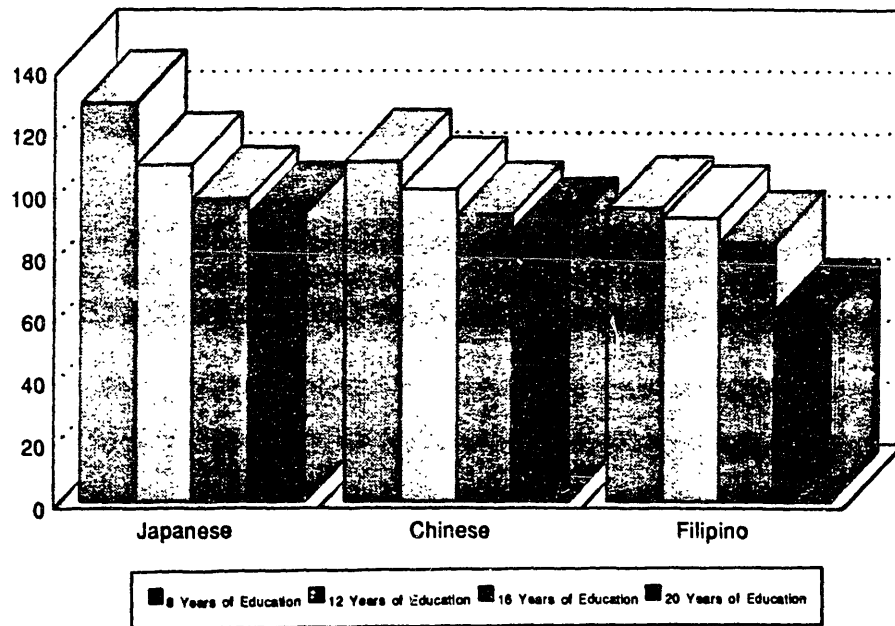
In October 1988, the United States Commission on Civil Rights (USCCR) released a report entitled, *The Economic Status of Americans of Asian Descent: An Exploratory Investigation*. This report attempted to paint a statistical portrait of Asian Americans, dividing each major ethnic group by nativity. The resulting report showed both progress and problems. Although there was clear evidence that anti-Asian labor market discrimination had declined (before the Civil Rights Act, American-born Asians earned substantially less than whites with comparable characteristics), it was equally clear that serious problems persisted.

Adjusting for broad occupational and industrial categories, American-born Asian men with high levels of schooling were found to earn less than comparable non-Hispanic white men (figure 1). It thus appeared that extensive formal schooling enables Asians to enter high-paying occupations and industries, but within these occupations and industries, Asians are underrepresented in higher paying positions. Further bolstering this supposition was the finding that American-born Asian men are less likely to be in management positions than their non-Hispanic white counterparts (figure 2). It is important to note that these analyses control for two “explanations” often cited as reasons for the underrepresentation of Asians at the top: Asians are recent immigrants, and Asians lack complete English proficiency. The findings hold for Asian men who were born and raised in America.<sup>1</sup>

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<sup>1</sup> The analyses also controlled for whether a language other than English was spoken in the home.

Relative Earnings and Level of Education  
Figure 1

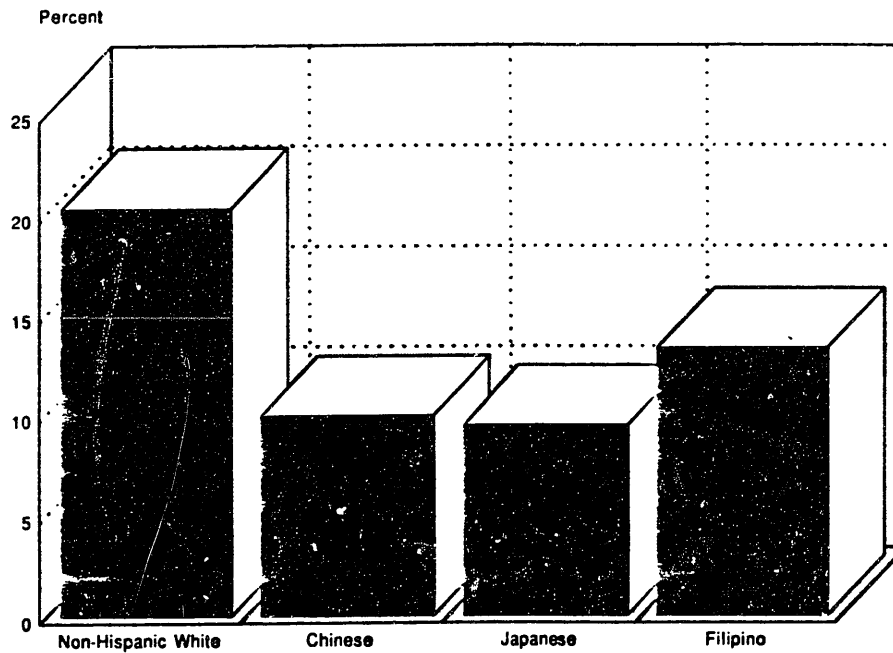


Note: Earnings of American-born Asian men as percent of the earnings of non-Hispanic white men with comparable characteristics.

Source: The Economic Progress of Americans of Asian Descent: An Exploratory Investigation (U.S. Commission on Civil Rights, October 1968).

2

Likelihood of Entering Management  
Figure 2



Note: Percent of American-born men with a college degree and 20 years experience who became managers. Data is adjusted for education, experience, industry and other relevant factors.

Source: The Economic Progress of Americans of Asian Descent: An Exploratory Investigation (U.S. Commission on Civil Rights, October 1988).

At the opposite end of the spectrum, the report found high levels of poverty among some groups of recent Asian immigrants. For instance, examining families who entered this country between 1975 and 1980 revealed that 28 percent of Chinese immigrant families and 35 percent of Vietnamese immigrant families fell below the poverty line (figure 3). Taking into account the number of family members worsens the relative family incomes of Asian immigrants, since their families tend to be comparatively large. The report also found that Asian immigrant women were more likely to work than other immigrant women; if it were not for their higher than average labor force participation, Asian immigrant family incomes would be substantially lower.

To provide qualitative as well as quantitative data on some of the findings of the report on Asian economic status, and to explore issues that could not be approached in a statistical analysis, the Commission decided to hold three regional roundtable conferences on Asian civil rights issues.<sup>2</sup>

Among the States with the highest concentration of Asians, California and New York rank among the top five for almost all major Asian groups, and Texas ranks among the top five for several groups such as the Chinese, Asian Indians, and Vietnamese. Asians are also predominately urban. Thus, in choosing three locations for the roundtable conferences, Houston, New York City, and San Francisco were logical choices. They took place during the summer of 1989.

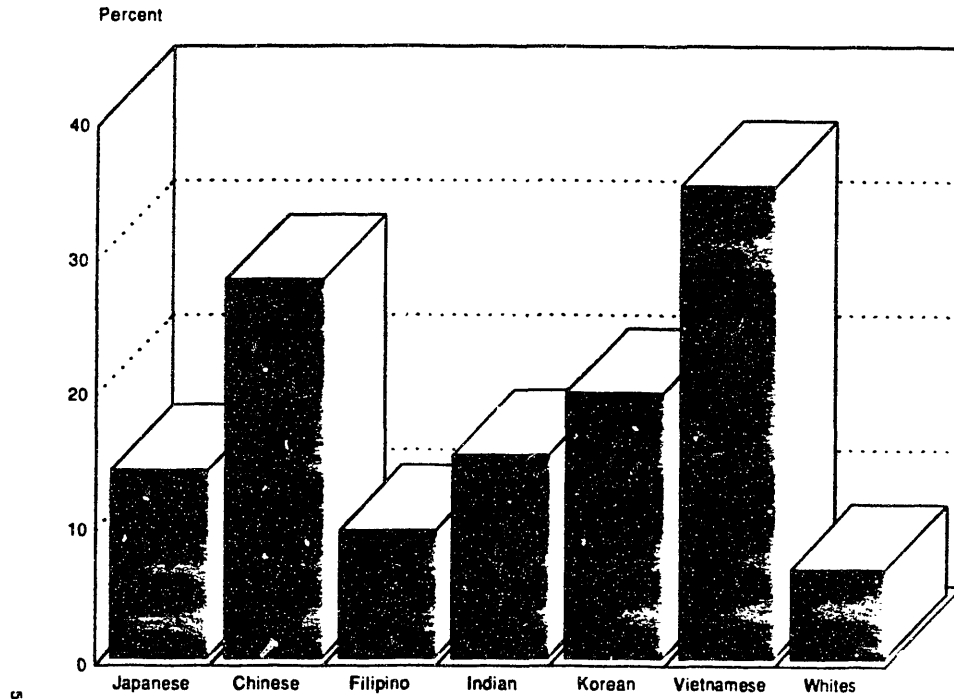
The summary that follows is but a glimpse of the topics that were explored in Houston, New York, and San Francisco. Although the transcript is long, the reader is encouraged to read these testimonies from beginning to end. Like a hologram, different views are offered on the same subject, permitting one to achieve a deeper understanding of Asian American problems. The discussions are stimulating and at times confrontational in the best sense of the word. Participants also made thoughtful recommendations, only some of which are repeated here. The personal experiences, often

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<sup>2</sup> The transcripts presented here have been edited and condensed. Copies of the original transcripts are available upon request from the Office of Programs, Policy and Research of the U.S. Commission on Civil Rights.

Percentage of Recent Asian Immigrant Families in Poverty Relative to American-born Whites

Figure 3



Source: The Economic Progress of Americans of Asian Descent: An Exploratory Investigation (U.S. Commission on Civil Rights, October 1988).

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eloquently described, add flesh to the statistical findings presented above.<sup>3</sup>

## **Summary of the Roundtable Conferences**

In her opening remarks at the New York roundtable conference, Dr. Setsuko Matsunaga Nishi characterized the Asian community as having a bimodal distribution: some Asian Americans are highly educated and with incomes exceeding the national average, whereas others are barely making it. Furthermore, she stressed that a different pattern of discrimination exists for professional and technical employees, at the upper end of the income spectrum, than for "those who are on the bottom end of income whom we today might appropriately label the underclass." This bimodality, so apparent in the statistical analysis, also characterized much of the testimony at the roundtables.

## **Problems Confronting Highly Educated Asian Americans The Glass Ceiling**

Numerous speakers expressed their belief that Asian men and women face discriminatory obstacles in attaining managerial positions in corporations and government.

In Houston, Wei-Chang Wayne Liauh began his testimony with, "I am of the opinion that most Asian Americans are facing an

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<sup>3</sup> The roundtable conferences illuminate a broad range of civil rights issues confronting Asian Americans today. Despite the Commission's efforts to include representatives of all Asian ethnic communities and to address the full spectrum of civil rights concerns, some communities were not as well represented as planned nor were all issues fully illuminated. Because the conferences were public, voluntary, and potentially exposed participants to retaliation and other repercussions, Commission staff found many individuals reluctant to participate. Several persons who had hesitantly agreed to speak withdrew at the last moment. A policeman who was going to offer his views on Asian American experiences in a large metropolitan police force was discouraged from doing so by that department's chief of police. Some participants expressed reservations about providing specific details of their experiences out of fear of repercussion. These and other incidents suggest that, if anything, the experiences recorded here are an underrepresentation of new and lingering problems in the Asian American community.

Building upon the roundtable record, the Commission has conducted additional research into the civil rights problems facing Asian Americans. A separate report containing the results of this research is expected to be released in late 1991.

insurmountable glass wall in the corporate world. As a matter of fact, most of us have given up hope of advancing on the corporate ladder." Mark Chang related that, "Of nearly 200 members of our Chinese American Petroleum Association, only one is in a managerial position, and maybe a handful are in supervisory positions." Virginia Barrientos described the underrepresentation of Filipinos in higher echelon positions in city service.

In discussing the lack of Asian professionals in managerial positions, Raj Prasad asked, "Is it because they are not interested? Because they are getting more satisfaction out of the professional work they are doing? . . . Or, maybe Asians are interested in managerial positions, and there are certain quirks and certain discriminatory practices which are responsible for the underrepresentation." According to a survey of Bay Area Asian professionals discussed by Henry Der,<sup>4</sup> most felt that discrimination was an impediment: ". . . when respondents were questioned as to what they thought were employment or promotional barriers, more than two-thirds cited corporate culture, management insensitivity, and lack of informal networking as problems to upward mobility. Lastly, over two-thirds cited racism as a problem in advancement."

Personal as well as societal effects of employment discrimination were described by the panelists. In Houston, Albert Wang stated ". . . the recent statistics issued by the Commission are not just numbers. They symbolize the agony and frustration of thousands of hard-working Americans who happen to be of Asian descent." Romesh Diwan, in representing the National Federation of *Indian American* Associations, described the implications of such discrimination for the Nation: "Our members present a valuable R&D asset and resource; discrimination reduces the value of this asset. Discrimination then is twice unblessed. It hurts those who are affected directly. It also hurts the society, turning a strength into a weakness. In view of the fact that the U.S. is struggling hard to maintain a share of the global market necessary for maintaining its prosperity, discrimination is too costly for the U.S. in the current situation. We can ill afford it."

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<sup>4</sup> Amado Cabezas, Tse Ming Tam, Brenda M. Lowe, Anna Wong, and Kathy Owyang Turner, "Empirical Study of Barriers to Upward Mobility of Asian Americans in the San Francisco Bay Area," in Gail M. Nomura, Russell Endo, Stephen H. Sumida, and Russell C. Leong, eds., *Frontiers of Asian American Studies: Writing, Research and Commentary* (Pullman, WA: Washington State University Press, 1989).

There was also considerable discussion of probable causes of the glass ceiling for Asian Americans.

Asian Americans, several participants felt, were not accepted as fellow Americans, but were viewed by many corporate managers as a suspect class: "We usually have to prove that we are better, in order to be equal."

Participants also felt that Asians were stereotyped as technically proficient but lacking "necessary" qualities for management, such as being aggressive. Some disputed that Asians were not as aggressive as others. In describing his personal encounters with discrimination in a large corporation, Paul Wong asserted, "I'm here to contradict the stereotyping of Asians that we are submissive, that we lack leadership behavior, that we are quiet, that we don't rock the boat, and therefore we don't have any management skills and we are not leaders." Others complained of a lack of appreciation in corporate America for different management styles. Mark Chang observed that many Asians became so frustrated with the discriminatory obstacles they encountered that ". . . they quit their job, started their own businesses, showed masterful managerial skills along the way, and have become very successful in their own businesses." Some quipped that if Asian styles of management were so deficient, why was Japan doing so well?

Also hindering their careers, some thought, was the perception by non-Asians that Asians do not want to be managers. "Corporations pick pigeon holes for us. And what is worse, they believe that we are quite content staying in those technologically airtight pigeon holes."

Several participants also felt that Asians were excluded from affirmative action plans, with firms focussing their efforts instead on blacks and Hispanics. Martha Wong observed, "My concern is that there are affirmative action plans, but that the affirmative action plans, each time they are implemented, for some reason do not recognize Asians, but recognize blacks and Hispanics as a separate minority. And that is kind of a second glass ceiling for Asians. . . ."

Throughout the roundtables, there was a consensus of opinion that English language proficiency was being used as a subterfuge for discriminating against Asian Americans. A member of the audience in Houston noted, "Even if you are the second generation or third generation, they still think you have either a language barrier or a personality problem." Furthermore, participants felt that adopting unreasonably high English proficiency standards was



tantamount to allowing discrimination against foreign-born Asian American employees.

Another clear area of consensus was that the lack of clear rules for promotion left room for prejudices to play a role in promotion decisions.

Participants noted several impediments to Asians taking action when they had, in fact, clearly experienced discrimination. Some felt that in trying to understand why they had not risen in their place of work, Asians tended to blame themselves. Related to this was an unwillingness to complain and to step forward.

But also contributing to Asians' reluctance to take action was a perception that such actions were costly, time-consuming, and would not pay off. In discussing the Asian Indian experience, Romesh Diwan related, "Quite a few members of the community have found it necessary to go to court to seek redress to these injustices. They're discovering that the rules of the game have been written in such a manner that there is no easy way out. The procedures for promotions and hiring are complex and involve confidentiality. Accordingly, decisions are made in secret. In such cases, it is virtually impossible to prove the act of discrimination. . . . They are finding that access to the court is extremely difficult. The court procedures are highly costly; they also require a lot of confidential information not available to the person who feels he's been discriminated, yet the burden of proof seems to be on the person. As a result, a successful outcome becomes virtually improbable."

The Equal Employment Opportunity Commission (EEOC) was seen as slow, ineffective, and insensitive to Asian concerns. "I've seen people go in on crutches and come out with their legs amputated."

One attorney, George Willy, charged that the EEOC generally files complaints made by Asians as Title VII national origin complaints rather than as race complaints, thereby depriving Asians of punitive damages and other remedies available under the provisions of the Civil Rights Act of 1866.

The participants suggested a number of ways that the Commission could help remove the obstacles that are blocking the careers of highly-educated Asians. Among the recommendations were the following:

- Disseminate results of the recent USCCR study and the results of further studies which document that there is a problem. "In the interest of the whole country, the Commission should take an

active role to disseminate the findings and to educate the general public, particularly the major corporations.”

- Conduct qualitative and quantitative studies on the careers of highly educated Asian Americans relative to those of non-Hispanic whites to assess the severity of the problem and to identify possible solutions.
- Conduct more nationwide surveys to collect more specific data.
- Place the fact and perception of discrimination on the public agenda for discussion and debate.
- Propose and support legislation that develops a process to eliminate once and for all, the fact and form of discrimination in the United States.
- Develop and provide a quantitative method that would help alert companies to discrimination problems.
- Conduct meetings between Commissioners and corporate heads that would alert corporate heads to the problem and discuss solutions.
- Conduct a study of how Asian claims are being handled by the EEOC; the Commission should require that the EEOC submit in writing details of the list of complaints, identified by ethnic group, and the action taken.

More generally, participants agreed that companies should have more explicit rules for promotions.

With regard to discrimination enforcement, participants felt that the complaints system was in need of reform: “. . . treat the EEOC complaint just like we deal with unemployment claims. In a Texas Employment Commission complaint, you file your claim; if it is denied, shortly thereafter you have an opportunity for a hearing. It is telephonic sometimes, or you can actually go into the office. . . an arbitrator, who has some knowledge of the law involved, can at least make a preliminary prima facie determination of whether there has been some discrimination, without leaving it to a harassed, underpaid EEOC employee.”

### **Higher Education**

Another issue of great concern to highly educated Asian Americans are the educational opportunities for their sons and daughters. Asians are and will likely continue to be highly educated. Some persons fear that with the growing presence of Asians on college campuses, schools have developed mechanisms that adversely affect Asian representation. “In the field of education, we have heard from parents who advised that upon visiting with

registrars and admissions officers at various colleges and universities, these officers would not state anything officially or publicly for the record, but candidly acknowledged that their admissions criteria and procedures had been changed to avoid substantial admissions of Asian Americans. . . .”

This concern was focussed on top ranking colleges and universities. As Walter Oi noted, “Access to community colleges is never disputed. Why? Because there’s enough of them. . . . But access to the prize schools, to the Harvards, the Stanfords and so forth, are places where they are using rules other than simple merit. The rules of competition are such that there’s room for discretion. There is a place where vigilance is required. The issue is compounded by the fact that Asians are entering in very large numbers, especially Harvard and Stanford and Berkeley—a third of Berkeley undergraduate student body appears to be Asian and are they now going to impose quotas? It’s an issue which I think has to be watched. The issue was present in the early 1950s with the Jews.”

Some participants felt that admission should only be based on grade point average and scores, and that other qualities such as leadership would develop in college. “It is my belief that subjective criteria for a child to enter college should not be used and must not be allowed for those people who have the power to use it. . . . I strongly believe that a child’s basic academic performance at that juncture in life is the single and most important consideration for college admission.”

Others felt that extracurricular activities were also important but that the rules for admission should be clearly stated, so everyone knew and could prepare. “I do not necessarily agree with the gentleman who spoke before that we only go on academics. The major concern is, if you are going to have the guidelines out there to say that participation in other activities is important, let us know that in advance. Do not let it be the sliding scale for your convenience.”

Finally, others disputed the notion that Asian students were any different from other students with respect to extracurricular activities and leadership. It was just another stereotype. “This is absolutely absurd. . . saying that our kids are not leaders. My son is the president of the student body at Cornell. Our kids, if given the proper chance, will succeed and will demonstrate leadership.”

As with employment discrimination, there was a strong consensus that lack of clarity in the rules permitted latent prejudices to surface and affect decisions. Thus, a recommendation that seems

to be in keeping with everyone's perception of the problem was that rules of admission need to be made explicit.

Henry Der described how, after substantial efforts, explicit admission rules had been adopted at Berkeley.

Once enrolled in colleges, roundtable participants felt that Asian students were slighted in terms of financial aid and services, but were considered a minority when a university wanted to cite how many minority students it had. "We are not granted minority status when it comes to scholarships, recruitment and retention programs, or hiring of minority faculty. We are counted, however, when it serves the needs of the university." "We are," stated one student, "a minority of convenience."

The participants strongly recommended that the Commission look into the Pell grant and the student loan assistance program based on the salaries of the parents of Asian Americans versus others.

More generally, it was recommended that with respect to student financial assistance programs, colleges should adopt objective selection criteria that are computer-administered, ". . . not left to these bureaucrats to discriminate on the basis of applicants' names such as Chang or Deng or Hayre."

### **Problems Recent Asian Immigrants Face**

The perception that all Asians are successful—the model minority myth—has hidden the problems and needs of recent immigrants. But as shown in figure 3, a large percentage of recent immigrants are in poverty. Several problems concerning recent Asian immigrants were explored at the roundtables. Employment problems and awareness of civil rights were two of the major issues.

#### **Employment Problems**

May Ying Chen described the following situation: "What we're seeing in our communities is the following. There's a tremendous underemployment in our communities and exploitation of the workers in our communities. There are tremendous health problems and safety problems in the factories and work places. There's a problem with public and self-images among the workers themselves, where they've been put into a certain mode that is very hard for them to break out of. . . . The model minority myth has cast the Asians in a certain light, and then the low-income side of our community has not been adequately presented and has been in essence isolated and forgotten."

In describing Asian immigrant workers, Mini Liu commented, "Many Asians are working in restaurants, garment factories and small businesses, work that provides low pay and benefits, little security and no opportunity for advancement."

Several factors were mentioned as contributing to the employment problems and poor working conditions of recent immigrants.

One was a lack of adequate enforcement of labor conditions. "There's been a significant weakening of the enforcement of labor standards and health and safety regulations, and oftentimes these enforcements never reach into the economies of our Asian communities, especially in the immigrant community."

Another factor was a lack of English as a second language programs and job training programs which could help immigrant populations: ". . . lack of that kind of support has tended to reinforce the existence of this underclass and this subeconomy in the immigrant sector of our communities."

Discrimination in the labor and credit markets were considered important impediments to the economic assimilation of immigrants.

Tou Doua Kue spoke of how refugees, who were handicapped by a lack of transferable skills, faced discrimination at every turn in their efforts to become contributing members of society: "We came to this country to become contributing members. . . . [Yet] people do not give refugees jobs because we lack transferrable skills. And if we cannot start our own job, then where can we go? How can we become a contributor? We face discrimination everywhere we walk. The schools do not provide the services that we need for our kids. The Job Training Partnership Act program does not serve the refugees. They don't have staff to serve our people. They say these people, their education is too low, they are too far below our requirement. We face discrimination in getting skills to be marketable in this society. We want to start a business, and we face discrimination in getting a loan to run a business."

Mini Liu described the discrimination Asians faced in the construction industry:

I'm going to focus on one particular area of work that I think illustrates how discriminatory policies and programs channel Asian workers into a dead-end track of a two-tier labor system and putting them seemingly at odds with other workers and thereby leading to problems with racial tensions and anti-Asian violence.

In New York City, the construction trade is one area of opportunity for blue-collar workers to move into the skilled labor force. However,

Asians as well as other workers of color have been excluded from the more well paid and secure construction jobs. Labor unions in the construction trade have resisted including people of color. In the case of Asian and Latino workers, the unions have selectively used an English proficiency requirement, not generally enforced against European immigrants, for admittance into their apprenticeship program.

Given the other options for blue-collar immigrants, Asian workers are nevertheless going into construction. It is estimated that there are now over 10,000 Asian construction workers in New York City. Almost all of them are working for the hundreds of small contractors, mostly Chinese and Korean, who are often ghettoized into doing renovation in smaller construction jobs in their own immigrant communities. These workers are not unionized and work at wages well below the prevailing wage with few benefits, poor working conditions, and long hours.

Discrimination in the construction trades, coupled with the lack of government enforcement of affirmative action regulations, has driven Asian immigrant construction workers into the second-class status. I think the construction industry in New York dramatically illustrates how discrimination and job opportunities imposed by a variety of institutions creates a two-tier labor system which allows very little mobility from one track into the other. Tensions, often along racial lines, are inevitable between the more privileged workers and the sub-class and often among workers at the bottom who are scrambling to survive. Discrimination and economic justice must be addressed in order for anti-Asian and all racially motivated violence to be eliminated.

The participants who addressed the problems of Asian immigrant workers felt that the Immigration Reform and Control Act (IRCA) had substantially increased employment discrimination and abuses of Asian citizens and immigrants. "IRCA is contributing to the undercutting of labor rights, the forcing of newly arrived immigrants into more marginal work, working under greater conditions of exploitation in sweatshop conditions, and being forced into work where the ability of the government to enforce labor protections becomes even much more difficult."

## **Awareness of Civil Rights**

Several participants stressed that recent immigrants were often unaware of American civil rights. A recommendation that was made more than once was that the Commission should put out a civil rights handbook or pamphlet, to "make civil rights more available."

More efforts should be made by the government to help new immigrants become voting members of our society. It was suggested that when people become citizens, there should be voter registration at that point. There should also be registration at government offices and social service agencies. "These recommendations come in the nature of making democracy a reality, rather than what is really very faint and distant to many people in our community. . . . The government has to do more in terms of providing materials, outreach—people don't even know what a voting booth is like, how to go and vote. . . ."

More generally, it was felt that the lack of knowledge of civil rights cultivated an environment where civil rights abuses went unchecked. In describing the southeast Asian refugee community, Andy Anh commented: "They don't challenge the authorities, legal authority or otherwise. They don't know how, because they don't understand the law. And they don't organize and defend themselves. So all this leads to the wholesale abuse of their civil rights all over the country."

In both employment issues and rights, the importance of community organizations that can reach out and serve those first getting a foothold in this country was emphasized. Carlton Sagara described this important function of community-based organizations: "There are many organizations in the New England region involved in civil rights issues, but the community-based organizations on the front line serving the poor and minority community are the ones who must deal with civil rights or the lack thereof as they exist in the community. They are the first to come into contact with and are most immediately affected by the results of discrimination and prejudice; the ones who first see and must deal with their immediate effects on people. Community organizations will be the ones to move the civil rights agenda for Asian Americans. They work to build the capacity of the Asian American community to advocate for its rights as well as the community's ability to participate economically and politically in American society. Their insights and understanding of the daily lives of Asian Americans will ultimately provide the justification for developing the legislative structure of civil rights at the national level."

In addition to these problems affecting recent immigrants, there was a strong feeling expressed at both the New York and San Francisco roundtables that current steps for reforming legal immigration were motivated by racist prejudices. Several participants questioned the commonly heard presumption that Asian immigrants were taking away jobs from American-born workers. It was asserted instead that “. . .in most types of industries, in most sectors of employment, there is not direct competition for jobs between immigrants and those who are citizen born, . . .they play very different functions within the U.S. labor market. . . .”

## **Violence Against Asians**

In addition to problems that uniquely affected those of high or low socioeconomic status, there were concerns that transcended all socioeconomic classifications. One theme that permeated the roundtables was a concern about violence against Asians. All participants who spoke to this issue felt that violence against Asians had increased. Among the reasons given for the increase in violence were the following:

- Increased immigration: the high rate of Asian immigration and the perception that immigrants were taking away jobs from the American born.
- The model minority myth created resentment.
- A lack of clear leadership on anti-Asian harassment in schools. In discussing the response of school administrators to a high school racism case, Glenda Kay Joe noted: “Due to the lack of clear leadership on this issue, anti-Asian racism is now a debatable issue. It is debatable as to whether or not it is an acceptable form of behavior for students and teachers. . . .”
- International factors: outside factors affect how Asians are treated here. In describing this problem Karl Matsushita commented, “Americans or the general public cannot relieve their anger or frustration by a so-called Asian symbol, such as Toyota or Nissan. They need to attack the real target. Americans do not distinguish between the Asian country and Asian Americans. Thus, the first available Asian American becomes targeted as ‘Asian’”.

Among the recommendations for stemming this tide of violence were the following:



- Since persons tend to identify Asian Americans with foreign issues, national leaders and the media must be careful in how they present foreign issues and be cognizant that how a problem with international connections is discussed may have alarming repercussions for Americans that other Americans associate with a particular foreign country.
- Schools should implement classes that show the Asian American experience; the discrimination that they faced and the contributions that Asian Americans have made to America.
- A strong message needs to be sent from the national level to the classroom level that such acts of violence and intimidation will not be tolerated.

## **The Census Undercount**

The census undercount was another important issue discussed at the roundtables. Walter Oi described the problem:

The issue here is a simple one. . . . There are significant undercounts, especially of minority groups, of residents and neighborhoods where incomes are low, proficiency in the English language is limited and in general, fear of being counted, tallied, and so forth. The Corporation Council of the City of New York estimates that as much as 14 to 20 percent of the Hispanics and Asians in the City of New York will not be caught in the 1990 census. . . . If you can imagine two communities, one in which everyone is counted and the other in which only 80 percent of the people are counted, the right to vote and the value of your vote in those two communities is very different. It's worth 25 percent more in the community where everyone is being counted and they're going to get 25 percent more representatives in the House of Representatives. They're also going to get a larger share. . . of any federal funds that are allocated on the basis of population.

## **Reflections on the Asian Identity and the Nature of Civil Rights**

In addition to testimony shedding light on problems Asians face, philosophical queries as to the nature of civil rights and the identity of Asian Americans permeated the roundtable discussions.

Ning Chiu, a college student at University of Texas asked: "Why do we tend to congregate amongst ourselves?. . . . A natural empathy about our situation draws us together. We are rejected from the majority population because they do not understand us. They are ignorant of our history, especially the history of our past

oppression. . . . They also do not realize that discrimination continues, however covert. . . . Before we even say anything, preconceptions form an initial barrier that we must struggle to overcome. . . . We are confused about the conflict with our heritage that teaches humility and the contradictory American way of selling yourself during job interviews. . . . How much do we identify with our ethnicity? Are we Asian or are we American? Do we really have to choose? Assimilation often coincides with a compromise of ethnicity. When you enter a melting pot, you blend and you become part of the hodge-podge mixture. At what risk if we hold back and are unwilling?"

Perhaps the most poignant point in organizing the roundtables came when a recent immigrant from Laos queried, "What are civil rights?"

**Houston, Texas**  
**May 27, 1989**

## **Opening Remarks**

**COMMISSIONER CHAN.** Good morning. This meeting of the Asian Civil Rights Issues for the 1990s shall come to order. All individuals who are on the program should be seated up here at this table on both sides.

For the benefit of those in our audience, I shall introduce myself and my colleagues. My name is Sherwin Chan, and I am a Commissioner of the U.S. Commission on Civil Rights. Members of the Commission are here: Dr. Ramirez on my right and Commissioner Buckley on my left.

Also, present with us are members of the U.S. Commission on Civil Rights staff. Mr. Melvin Jenkins is the Acting Staff Director. He is on my left. Mary Baltimore is the staff assistant to the staff Director. Dr. James Cunningham is the Director of the Office of Programs, Policy and Research. And Mr. John Dulles who is on the staff of our Western Regional Division. Mr. John Eastman is the Director of Congressional and Public Affairs.

I am also pleased to introduce to you Councilman John Goodner. Is the councilman present? I will ask you to make a speech, please. And Dr. Manuel Pacheco, who is a member of the Texas Advisory Committee of the U.S. Commission on Civil Rights. By the way, in each State we have an advisory committee composed of 11 committee members.

We are here to listen to presentations and to conduct a forum for the purpose of gathering information on Asian civil rights issues. The jurisdiction of the Commission includes discrimination or denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice. The information which we gather today will be especially helpful to the U.S. Commission on Civil Rights in developing our agenda for the 1990s on Asian civil rights issues. The proceedings of this forum, which are being recorded by a public stenographer, will be sent to the Commission for its advice and consideration.

At the outset, I want to remind everyone present of the ground rules. This is a public meeting open to the media and the general public. We have a very full schedule of people who will be making

presentations within the limited time we have available. The time allotted for each presentation must be strictly adhered to. This will include a presentation by each participant, followed by questions from Commissioners and roundtable participants. Following this, we will take questions and comments from the audience. To accommodate persons who have not been invited but wish to make statements, we have scheduled an open period on our agenda today at approximately 4:30 until 5:00.

Though some of the statements made today may be controversial, we want to insure that all invited guests do not defame or degrade any person or organization. In order to insure that all aspects of the issues are represented, knowledgeable persons with a wide variety of experience and viewpoints have been invited to share information with us. Any person or organization that feels offended or degraded by statements made at these proceedings should contact our staff during the meeting so that we can provide a chance for public response. Alternatively, such person or organization can file a written statement for inclusion in the proceedings. I urge all persons making presentations to be judicious in their statement.

At this moment, I would like to ask Councilman John Goodner to share some opening remarks with us. Councilman.

COUNCILMAN GOODNER. Mr. Chairman and the rest of the Commissioners, it is appropriate I think that this meeting is held where it is. I represent a city district just south of here to the west that has the highest Oriental population concentration anywhere in Houston. I also have around 60 percent or 60 to 70 percent of all of the Indian population. I have another area containing around 60,000 people who represent 13 or 14 different Central America/South American areas. Ten years ago, that district was something like 97 percent Caucasian. It is now 18 percent black, 18 percent Oriental, 14 percent Hispanic and is still growing. I have given away seven precincts in the last 10 years and still am within 2,000 of having the most people in any district in the city.

How are we getting along? Pretty well, but I am glad that you are here.

Communication is, I think, the key to what we are trying to accomplish locally to address some of the problems that have occurred. There have been some unfortunate incidents in my district primarily concerning the Moslem faith in that people, through ignorance and nothing else, really, have attacked people, their churches through that.

We are attempting here, I think to deal with the problems. There are very few complaints that we hear, at least, from the community about any overt discrimination. There are I think indecencies where it is discrimination by omission. For instance, we simply don't make enough effort to reach out and inform and tell our citizens that certain programs are getting more and more people involved in bidding on city contracts and that sort of thing.

I would be less than candid if I didn't say there isn't some resentment in the community between some of the races. Those that have been here for generations have some resentment for those who have come at a later time. But those things can be dealt with and I would encourage the comments that are made here to be made known to us who hold elected office because, again historically, from what I have seen the Oriental community does in fact attempt to deal with its problems sometimes within itself rather than reaching out and letting other entities know that here is a problem and they ought to be involved.

So, I am sure you are going to hear some comments today—I am very proud of the fact that Mr. Terry Chang who is here sits on the Alief School Board, now. The Alief School district which occupies about half of my district has the highest Oriental population in the State of Texas. So, I think it is important that you look at what we are doing right as well as give thought to those things perhaps that we need to be doing more of and perhaps some of the things we have done wrong.

Again, in the name of the Mayor and the rest of the council, I welcome all of you here and would encourage your advice and assistance so that we may do a better job here in dealing with all of our citizens. Thank you.

COMMISSIONER CHAN. Thank you, Councilman.

At this moment, I would like to ask Commissioner Ramirez to say a few remarks.

COMMISSIONER RAMIREZ. Thank you, Commissioner Chan. I am very pleased to be here as part of this first encounter of the United States Commission on Civil Rights with the Asian American community in a direct face-to-face discussion of a broad range of issues related to the full participation of Asian Americans in American life and in the benefits of living in this nation.

I am very pleased to be here because I believe strongly that the Commission does its finest work when it engages in dialogue with those individuals and organizations that face problems which seek to work out solutions on a day-to-day basis.

The United States Commission on Civil Rights can be seen as the least powerful agency in government or it can be seen as the most powerful agency in government. It is the least powerful agency because it has no enforcement authority. We can make no one do anything except appear before us and answer questions. The only power that this agency has is the power, first, of subpoena so that we can call to a formal statutory hearing any individual within this country at any level of government to answer questions about their enforcement of the civil rights laws of this nation. We have that power.

We do not have the power to fire that person when they are not doing their job. We do not have the power to withhold the monies from that person when they are not doing the job, but we can call them to account in a public forum.

We also have the power of persuasion, persuasion based on solid information. Indeed, our principal responsibility is to gather information about the progress of civil rights in our nation and to make recommendations to the Congress and to the President about changes in laws or policies that are needed in order to move civil rights forward.

This has implications for this roundtable session. I am taking time to make these statements because I believe that on the one hand we should not hold out unwarranted expectations about the effect of this roundtable on the short-term solution to problems or limitations that this community may face in the real world.

By the same token, we must not minimize the importance of this roundtable session. We must not minimize it because it allows us for the first time to put on the public record the full range of the frustrations, the aspirations and the successes of the Asian-American community in our country. That is very important and it is most important to the community, itself. This public record can become an instrument by which this community continues to use this document record for its own development and for its own future interaction with government.

I can only call to your attention the fact that it was 20 years ago in San Antonio, Texas, that this Commission first looked at issues related to Hispanic Americans. In fact, it was almost 10 years after the creation of the Commission that a Hispanic was appointed to the Commission and his first order of business was to say: "Let's hold hearings."

Well, it is now 20 years later and we finally had an Asian American appointed to the Commission and I have to tell you that his first priority was: Go out and listen to the community. And,

personally, I felt very strongly that we needed that because I endorse that strategy, but I remember how in the course of the last 20 years the data that was produced from those Hispanic hearings has been used consistently over and over by my community to further its civil rights agenda, its civil rights priorities.

So, on the one hand I say to you that the Commission will take some time in gathering the information. The information that will be presented will be baseline information. From that, we will go through a laborious process of identifying issues for further study. After another laborious and rigorous study of some of those issues, we will finally come out with another set of reports. It may be that that second set of reports may lead to recommendations for legislation or for changes in administrative procedures.

So, that may seem to you like a lengthy process. Believe me, it will bear fruit eventually, but it will be lengthy.

In the more immediate sense, this roundtable can be of tremendous use to the community and it is my hope that it will be. We, today, will listen more than talk. (This is as much talking as I hope to do all day.) We need to learn. We can only assure you that the fact that three of the eight Commissioners are here is very significant because this is not a regularly scheduled meeting. We will give this information all of the importance, all of the attention and all of the dignity that it merits.

I thank you for joining us.

COMMISSIONER CHAN. Thank you, Commissioner Ramirez.

Like the Commissioner said, we do not have enforcement power, but we do have the monitoring authority to narrow down to any specifics under the administration and we are also authorized to make presentations to the Congress and to the President of the United States.

At this moment, I would like Commissioner Esther Buckley to make a few remarks.

COMMISSIONER BUCKLEY. First of all, I would like to thank all of you that are here this morning. We really appreciate your presence, your cooperation, and we really enjoy your great interest in this issue.

I have been on the Commission on Civil Rights since the middle of '83 when it was reconstituted. This is the third major project that we have done on Asian Americans. When Commissioner Chan joined us just recently, he proposed this roundtable project in January and we all fully endorsed it, and we are all very excited about it. And we are willing to travel extra time and extra weekends to make it here.

We want you to understand that we are very committed to civil rights issues for all the communities. We are very interested in making sure that those civil rights are protected for everyone and we look forward to the wealth of information that we are sure we will accumulate today. We thank you for your cooperation and we look forward to many more good meetings like today.

COMMISSIONER CHAN. Thank you, Commissioner Buckley.

Like the Commissioner said, I'm the new kid on the block. I am the newly elected Commissioner. I only came into my position last August. But through the fellow Commissioners, I am able to be authorized by the Commission to have these roundtable conferences.

By the way, this is the first one today and the second one will be held at the end of next month in New York and the third one will be held at the end of July in San Francisco.

At this moment, I would like to ask the Civil Rights Commission Texas Advisory Committee member, Dr. Pacheco, to make a few remarks.

DR. PACHECO. Thank you, Mr. Chairman and members of the Commission, fellow roundtable participants.

It is a pleasure and an honor for me to be here on behalf of the Chairman of the Texas State Advisory committee, Adolfo Canales. The other members of the Texas Advisory Committee also have indicated to me that they would like for me to express their appreciation for your having been here.

I wish to applaud the Commission for the initiative that it has taken in its broad-based approach to gathering information about the various issues that exist around the country and especially with respect to the Asian American community here in Houston and in Texas.

I think it is very appropriate that you would select Houston for this roundtable because of the large number of Asian Americans who reside here. At the institution that I represent, fully 11 percent of our student body is made up of Asian Americans. So, it is not an insignificant segment of our population and it is admirable that the Commission would be looking into the problems that are associated with that.

I wish to assure the members of the Commission on Civil Rights that any issues that come forth out of this and the other hearings that relate to Asian Americans in whatever way the Texas Advisory Committee can either follow up or assist in the final resolution report that I am sure that Mr. Canales would join me in saying that we will assist in any way that we possibly can. I hope that your



tenure here in Houston while you are participating in these hearings is a good one and I look forward to being able to welcome you to Texas, again, before too long.

COMMISSIONER CHAN. Thank you, Doctor, I must say I was in Dallas last week to attend the Texas Advisory Committee meeting. I was really impressed by the alertness and the concern of the Committee on the civil rights issues.

Since we are running a little bit behind, I would like to remind each of the participants, please give your names when you are making your statement. And on my left, I have the U.S. Commission on Civil Rights' Staff Director, Melvin Jenkins. He is our timekeeper.

So, would you like to tell us your method of time keeping so we can keep on track?

ACTING STAFF DIRECTOR JENKINS. First of all, let me say I am very happy to be with the Commissioners this morning in the roundtable. As Commissioner Chan indicated, this is the first of three. We hope to be able to pull together the information for all the Commissioners to review.

In the interest of time, each participant will be given 10 minutes to make a presentation. After each participant, we will go to the next participant. After the panelists, we will have questions from the Commissioners and dialogue between the participants and the Commissioners. That is the ground rule that we will operate under today.

## **Session I: Selected Topics**

COMMISSIONER CHAN. We are now starting session number 1 and I hope that I could be excused not to make introductions to any of the presenters. I am pretty sure on this roundtable here, all the ladies and gentlemen presented are the civil rights leaders or leaders of his or her own right, and I would like to skip all these introductions by going straight forward to ask the name and to make the presentation.

The first one I would like to ask is Mr. Harry Gee to make your remarks.

### **Education, Employment Advances, and Immigration Law Statement of Harry Gee**

MR. GEE. Chairman Chan, Commissioner Buckley, Commissioner Ramirez, my name is Harry Gee, Jr. and I am the President of the Asian American Bar Association. On behalf of the association, I wish to thank you for inviting us to participate and according us this opportunity to testify.

Members of our association are Americans of Chinese, Japanese, Korean, Indian, Pakistani, and other Asian nationalities and heritages. Our membership is comprised of attorneys who specialize in various aspects of the law including international business, corporate, taxation, real estate, immigration, and criminal defense. Because of the multitude of diversity of our membership, we have access to much information from many segments of the Asian community.

Our membership advises that in general we are not aware of any overt practices to deprive Asian Americans of their right to vote because of race, religion, sex, handicap, or national origin. Fortunately, the incidents concerning discrimination or denial of equal protection under the law appear to be minimal or members of our community are not aware when such deprivation or discrimination occurs.

The fact that we do not hear and cannot recite specific incidents does not mean that it does not occur, but we believe that some of these indecencies go unreported because of the lack of knowledge on the part of the members of our community and because of their cultural heritage in which they seek to resolve their problems without the intercession of government, or they just walk away with the fatalistic philosophy as exemplified by the Spanish phrase, "Asi es la vida." Or "Thus is life."

We applaud this Commission for holding this hearing in Houston at this time. We believe that the attendant publicity will help to educate various members of the community to more fully understand their rights as U.S. citizens or as permanent residents of the United States.

In the administration of justice, our communities have been spared the trauma which occurred in Detroit following the Vincent Chin murder some number of years ago. Yet, the confrontation created by the Ku Klux Klan in Seabrook, Texas, against the Vietnamese fishermen in the early 1980s is demonstrative of the fact that we must be ever vigilant in appraising Federal laws and policies concerning equal protection and administration of justice.

In 1984 our association, through the leadership of our then president, Judge Ted Wu, led efforts on the part of the Asian community to rebuke the city health director because of his statements which were a blanket indictment of health standards of the entire Asian community. We communicated with the city council and the Mayor's office and issued a position memorandum to eliminate overt racism on the part of any public official.

In the field of education, we have heard from parents who advised that upon visiting with registrars and admissions officers at various colleges and universities, these officers would not state anything officially or publicly for the record, but candidly acknowledged that their admissions criteria and procedures had been changed to avoid substantial admissions of Asian Americans in various freshman classes.

Another parent spoke out at the Asian American Voters League Convention in Houston in the fall of 1988, advising that her child had been passed over and not accepted at the college of her choice even though she had superior academic achievement and grades; other students who had lower qualifications were admitted or accepted. We hope that the Commission will communicate our concern to the appropriate governmental agency and to assist us in the elimination of such practices. We firmly believe that the Commission and the U.S. Government must maintain equal access to education and the universities and colleges to all of our citizens without regard to race, color, or national origin, and the criteria for selection should be scholastic achievement.

In the field of employment, we have been apprised that a law suit was initiated by some engineers of Indian heritage in order to remove discriminatory obstacles because of their nationality. Although we cannot specifically cite a litany of complaints in this regard, we believe that the fact of the severe shortage of Asian

managers and corporate officers is demonstrative of discrimination in the career advancement of Asian Americans because of their national origin. We note that your own surveys have clearly demonstrated that non-Hispanic whites have substantially more likelihood of entering management than Chinese, Japanese, Filipinos, or other Asians.

Many of the members of our association practice in the field of immigration law, and a number of our members are Board Certified as specialists in immigration law by the State Bar of Texas. We are of the opinion that the new proposed immigration laws are seeking to stem the tide of immigration from Asia and Central and South America. We believe that the Commission needs to appraise the proposed new laws and policies and to speak out against discrimination or denial of equal access because of national origin or of race.

Essentially, the Simpson-Kennedy bill will include immediate relatives within a total cap and create a new classification that would result in severely handicapping the vast majority of Asians because they do not speak English. We are not aware that the immigration law has ever exacted a premium upon language or English-speaking ability heretofore. And we believe that such criteria is blatantly discriminatory.

Ironically, the Chinese exclusionary laws and the basis of the quota system were initiated to constrain immigration from Asia. It was not until 1965 that such shackles were finally removed. And here, only 24 years later, new shackles are seeking to be imposed insidiously.

We have observed that in relationship to the community, a disproportionate number of the initial investigations and charges for violation of the Immigration Reform and Control Act of 1986 were lodged against businesses owned by persons whose name were Hispanic or Asian American. We are concerned that the governmental agencies not selectively enforce the law against one segment of our society.

In conclusion, I would like to thank this Commission for helping in raising the awareness to our respective communities as to their rights and privileges because many of the members of our communities come from other cultures in which the governments do not serve the people.

Our organization finds that it has an additional need to first educate our respective communities. We believe that the action of this Commission in conducting these hearings throughout the

country will provide our respective communities an opportunity to see U.S. Government in action in its service to the people.

We commend you for this service. We trust that you will have a very successful roundtable discussion.

COMMISSIONER CHAN. Thank you, Mr. Gee.

The number 2 panelist for this session is Ms. Theresa Chang.

## **Asian Women Engineers**

### **Statement of Theresa Chang**

MS. CHANG. Thank you, Commissioner Chan, Commissioner Ramirez, Commissioner Buckley. My name is Theresa Chang. Right now, I am the secretary of the Chinese-American Citizens Alliance and also in charge of the publicity for the Association of American-Chinese professionals.

Today, I give a report on behalf of the Asian American women engineers. After knowing about this conference, I have talked to several Asian American engineers and also talked to some members of the organization I belong to. And upon drawing some conclusions, I would like to address them.

First, I would like to say there is no discrimination against the Asian American engineer in the normal working places, which means on a day-to-day basis, we don't perceive there is any discrimination against us.

Second, there is discrimination in abnormal working circumstances, such as layoffs occurring at recession or in a merging of the company. When there is a recession or when merging of companies occur, then our Asian American women engineers feel we are the first group to go. And there is, of course, no evidence to show how much discrimination has occurred, but they do have certain concerns.

The third conclusion is less discrimination is experienced in a smaller company where more personal contact develops between the employer and the employee. Like the culture of the Asian Americans, we are not aggressive as other people here in the States. So, when there is a big company, when you do need to build up your relationship with your boss or your managers, that is where our shortcomings come in. And then, especially in the larger companies, you will see discrimination. There is less discrimination experienced in small companies because there is more contact between them. When the employer knows more about the Asian American employees, because they are more dedicated to the projects and they are hard workers, their efforts will be recognized.

The fourth conclusion is that, if we can see the organization in a company like a pyramid, the high positions will have more competition and more discrimination against Asian Americans; discrimination takes place or is perceived when there is a promotion to the higher management positions.

Although these four conclusions were drawn by talking with Asian American women engineers, the same feelings could apply to the male Asian American engineers or other Asian Americans.

For example, when I talked to one of the CAC members who is working for Metro, which is the largest transportation company in the Houston area, I found that they only have two Asian American managers out of around 100.

Also, I have to note that these conclusions were drawn without the help of surveys. We would recommend more surveys for each career category such as engineering, accounting, and computer science be done in the future in order to support the feelings that we have.

COMMISSIONER CHAN. Thank you, Ms. Chang. The next on the list is Mr. Steven Hoang. Mr. Hoang?

### **Asians and the 1990 Census Statement of Steven Hoang**

MR. HOANG. My name is Steven Hoang. I represent the Census Bureau and I would like to express my thanks to the Commissioners for affording me the opportunity to come here to share information with the Asian community leaders.

Ladies and gentlemen, every civilized nation counts its population and institutions. The United States is the first government in the world which has the census in its Constitution. The Constitution calls for a census every 10 years.

Last year, 1980, we had very low participation of the Asian population. According to the release from President Chow of the Asian-American Council, up to 60 percent of Asian Americans in Houston were undercounted. 2.2 million people were undercounted in the 1980 census (nationwide general population). For the Asian community, it's 60 percent undercounted. That is a big loss to the community. This is very important because it will determine the number of seats in the House of Representatives.

As you know, regardless of population, each State has two Senators, but the number of Congressmen will depend on the population. The more we count, the more Congressmen we are going to have. We are projected to gain some Congressmen in Texas, just like California and Florida. Some other States in the north will lose

Congressmen. Since 1910, we have had 435 Congressmen. The number of Congressmen has not grown since. And we have to do apportionment according to the census figures. So, the more Congressmen you have, the better. That's why we need to have an accurate and complete count especially for the Asian community. We cannot afford to have this loss because that translates into 60 percent under funding from Federal Government funds. We need to stand up and be counted. That way we can have equal representation.

What basically is civil rights looking for? The political power, the economic power.

I just talked about the political power, and now the economic power that comes from the Federal funds. We are taxpayers. We all pay our share. We expect to have part of that money come back to serve our community, to better improve our community. So, we need an accurate and complete count of the Asian population in order to receive adequate funding from the Federal Government to serve our community, to improve our conditions. That's economic power. That is what civil rights is looking for. That is the reason why I come here to ask the leaders to encourage their members to participate in the census. And I thank your Commission for having this opportunity to address our Asian community to participate in this coming census. It's around the corner, and please promote complete participation. I ask you to encourage your members to participate in the census and I would like to promote the consensus of support to the Census Bureau to do its best work ever in this coming census.

COMMISSIONER CHAN. Thank you, Mr. Wong.  
The last of this session is Mr. Michael Yuan.

### **Asian Americans and the Political Process Statement of Michael Yuan**

MR. YUAN. Good morning. I believe this is the first time the Civil Rights Commission has held an open forum in Houston. I feel very proud and I am sure that all of the Asian Americans here in Houston are very proud that we can participate in this program.

Let me introduce myself. I immigrated here from Taiwan in 1964. I was very poor at that time. I worked at many different jobs while I earned my degree. During those years I came to realize that civil rights are very important. Civil Rights provide us with a common ground, a basic structure for all people that gives a poor immigrant like myself a chance to progress to a brighter and better future.

I worked as a waiter, dishwasher, busboy, anything I could find while I earned my degree. Upon earning my degree I was able to work with a big corporation such as Bechtel, where I was a project engineer. I have even been able to start my own business. I would not have been able to accomplish these things without the protection and opportunities offered by civil rights. Our civil rights protect the common people in this land. As Asian Americans this is very important to us.

It is important that we study to become a part of the larger community in this country. This means that we need to know our civil rights. We need to be politically aware. It is the average person that needs to be aware of civil rights and be concerned about the laws that protect us.

I have been talking about the past, but I am thinking of the future. In the past we have not been organized. Our political actions have been as individuals and not as a group. Since 1988 I have served on the National Council of Chinese-American Voters League as chairperson. Also, I am serving as cochair for the Asian-American Voters Coalition and I serve the city as a board member with the Houston Job Training Partnership Council. In these capacities I have become very aware of the need for political organization. It is the only way we can effectively pursue projects that will insure our common goals.

We need to build a network that will allow us to interface with the public sector here in Houston as well as nationally. To do this we must pursue voter registration, voter education and awareness. We need to interface with the U.S. Commission on Civil Rights, the Census Bureau, and other public sector agencies. All of these agencies can help build a better community for our future and protect our civil rights.

In this forum I hope we can establish concepts and goals that are common to all of us here. We need to build a mission statement. We want to achieve something. We need to spend our time accomplishing this here and now.

One thing we must accomplish with this forum is fellowship. Fellowship among ourselves and the larger community. It is very important that you know what is going on with me and that I know what is going on with you so we can set and pursue common goals. As human beings we have business and political goals that we wish to accomplish. By promoting interaction and coordinating our resources and functions we can do this.

Our objectives should be to upgrade ourselves, to protect our civil rights, to study and mingle with different communities. We



should encourage and exercise our right to vote. Voting is the way to voice our opinions on and resolve issues. It is the most important tool we have to interact with society.

Since 1980 I have been encouraging voter registration in Houston. Our community is pretty good. We have thousands of families registered to vote. I hope we can build a prototype program that can be used nationwide to encourage voter registration. If you don't register to vote, how can you protect your civil rights? It's basic.

A publicly sponsored forum like this is good. We get to know each other. Everybody has a chance to talk and exchange viewpoints and ideas. We have a chance to build friendships.

We need to identify and monitor political issues that affect our community. All civil rights issues are of interest to us. Asian Americans must get involved in political issues that affect us. For us this is not a cocktail party just to mingle with the politicians. We are here to become involved with the processes that affect our lives every day. We are here to improve and protect our civil rights.

It is important for us to network. We have to utilize the different expertise that we all possess. Our participation in community organizations is required to support the public sectors. In return the public sectors have to support us. We need to develop special networking programs to assure our rights. All of us, Chinese, Koreans, it doesn't matter what our national background is. We need to work together to meet the challenge of the future. We feel the fresh air, beautiful sun, we have clean water, we are comfortable. Right? Well that's civil rights in action. A human being is very sensitive. We are sensitive to our surroundings. . . .To communications. We must develop understanding through communications at a national level.

In conclusion I would like to say that my organization has volunteered to work with others on the National Asian-American Public Opinion Poll for 1990. We want to work with the Civil Rights Commission, Equal Employment Opportunity Commission (EEOC), Immigration and Naturalization Service (INS), and the Census Bureau as well as private corporations and community organizations to build together for the future.

COMMISSIONER CHAN. Thank you, Mr. Yuan.

Right now, we are open for discussion. First, I would like to ask our fellow Commissioners to comment. Commissioner Ramirez?

COMMISSIONER RAMIREZ. I guess I am going to take some risks here and see if we can move the discussion a little more to the nitty-gritty.

What I hear from the testimony is a fairly positive picture. In fact, it is probably a confirmation of the Asian stereotype, of the successful Asian stereotype, which if I had to pick a stereotype, that is the one I would pick. But I ask myself, "Is this an accurate one?"

I have heard that there are problems in immigration issues. That there is perhaps a fundamental disagreement with the immigration policies.

I have heard that there seems to be a ceiling in certain areas of employment or, if you would, a glass ceiling—I have heard that there is a possibility of RIFing of Asian women engineers. But all of those issues that have been surfaced seem to me not to answer, to give me information about what I want to know. I don't know, for example, what proportion of Asian women are Asian women engineers or what proportion are they likely to be.

I guess what I would like to have a feel for is what happens to the immigrant families when they get here. When they get here if they get here without a very high level of education in this country, what do they face? We know that there is a level of success with time, that the children are well educated. We know some of the struggle that goes on to achieve that. But is the struggle made more difficult by people who are not already the super achievers? What is that picture like? That's a part of what I would like to understand.

What happens to Asian women who have no credentials? What kind of jobs do they have to take? Do they have to take jobs that—are they segregated into job markets?

What about Asian men who aren't already engineers or physicians? I hope that at some point we can get a feel for that. And maybe this is a question that doesn't have to be answered at this point in time. That we could just go on and hear from more people, but that we would get to eventually.

How hard really is it for this success story to unfold. If it is hard, but it is succeeding anyway, that's one thing. But if it is hard because there is discrimination in that process, then that is what we need to understand.

As I said you don't have to answer it now in a specific way, but at some point I would like to get to that kind of discussion.

COMMISSIONER CHAN. Panelists, please feel free to respond.

MR. GEE. Dr. Ramirez, I think that in part your question emanates concerning the people who have immigrated and come to the United States. And I think that we do have a new circumstance because the immigration laws prior to 1965 were so discriminatory that many of the Asians were not able to immigrate to the United

States at all. The numerical limitations basically prevented them from accomplishing that circumstance.

Now, what has happened is that the way the immigration pattern is set up, you have to get to the United States, first. And the way that you get to the United States primarily is that you come through a third or sixth preference, through a work or employment situation.

Fortunately, many of our people have had background in higher education and, so, the people who have immigrated, the first group of them that have come here have essentially been very highly educated and very highly competent people. But the points that you are bringing out are very excellent because I think that more and more as our people get here, they ultimately will be becoming U.S. citizens and then will subsequently use other classifications to help their relatives and other people come to the United States. No longer will the criteria be the high degree of education. Now, it is a matter that you are a brother or sister or that you may be a relative of someone who is already here.

Fortunately, for our people, there are frequently very strong family networks that help provide a security blanket to enable these people to assimilate within the framework of the community. And so I think that one of the things that we are observing is that many of our people are not aware of the government services that are essentially available to help them in this assimilation. Many of them have been able to address some of these problems themselves on the very basic level.

Now, after they get beyond the basic level, and I think that is where we are seeing more of the particular problems, if they want to make progress—I think that Ms. Chang had mentioned the pyramid—after you get above the very basic elements and you are trying to progress up the ladder, it is then that people are encountering discrimination.

And, ironically, one of the situations in which the Oriental families are encouraging their people to excel in education is boomeranging against them in some part because now they are having to compete against themselves for these very top notch opportunities. And, so, education we feel certainly is a very important aspect in enabling the people to begin to move up with the framework of the particular community. But, fortunately, as yet we have not seen great problems or difficulties on the very basic levels. I think the government has done an excellent job in being able to provide some of these particular resources. I think that, for example, the Vietnamese who come as refugees have had access to various

governmental programs. The Oriental families that we have had the opportunity to observe have had the opportunity to help support each other and because of that support network, the call or need for governmental assistance of the bare essentials is not there to the extent that it may have been in other populations or other circumstances.

But we understand and I think what you are pointing out, we certainly will want to gather more information and data for the future because I think as yet it is an education process for our people as well.

COMMISSIONER CHAN. Thank you, Mr. Gee.

For those who would like to express themselves, please first state their names.

MR. WANG. Excuse me, can I make a comment here?

COMMISSIONER CHAN. Sure.

MR. WANG. My name is Albert Wang. I disagree with what Mr. Harry Gee has just said. There are, indeed, some basic problems facing a large population of Asians over here, especially in the Chinese community.

We, the Chinese Community in Houston, are trying hard to get training funds from the government. So far we are only able to establish one training center with a very, very small staff. And we are pooling money together to set up another training center. But we are facing difficulties. We cannot get government funding to support our training program.

Later on this afternoon I will address Dr. Ramirez' question about the glass ceiling problem that the highly educated Asians are facing.

MS. WONG. My name is Martha Wong. I am the secretary of the Texas Asian Republican Caucus. I am also on the board of directors of the Institute of Chinese-Americans Lions Club.

I would like to address Ms. Ramirez's remarks concerning Asian women. I read through the book that you sent to us, *The Economic Status of Americans of Asian Descent*.

The report did mention Asian women. It did not mention one thing about Asian women in management. There was no information at all concerning that. I think the fact that the report did not even mention Asian women in management describes the facts that are occurring. There are not very many women who are in management, especially Asian women.

I can take, for instance, the largest school district in the State of Texas. Out of approximately 30 superintendents' positions, only

one is an Asian American and, so while you look at those statistics versus the number of Hispanics and versus the number of blacks who serve in those positions, it is insignificant. And I think that needs to be fully investigated. It needs to be fully looked at. I think affirmative action plans need to be set aside to see if that is being used to help Asian women to move forward.

So, I think the report itself is indicative of the situation; the fact that you did not even report on it to me is indicative of the situation.

I would also like to speak to the glass ceiling for men. The graph that you sent to us is indicative of what is happening.<sup>1</sup> There are many men who have credentials. When Commissioner Ramirez was speaking of credentials, I think that we have done everything we know how to get the credentials that are necessary. Probably at this table today, there are half of us who have our Ph.Ds. The room, itself, alone, probably contains more Ph.D.s than you would find in a normal gathering. So, we have done whatever it is that we think that we are supposed to do to have the credentials. The ceiling is there.

There are not affirmative action plans available. I would like the Commission to investigate corporations, public institutions to see what kind of affirmative plans are outlined for Asians. We see that happening for other minority groups. We do not see it happening for Asians. And we would like for you to help us find that information.

COMMISSIONER CHAN. Thank you. Would any other panelists like to respond to Commissioner Ramirez?

MR. WILLY. I would like to make some comments. Just one specific comment—I am George Willy with the Asian-American Bar Association. The experience of the immigrants from the Indian subcontinent—India, Pakistan, Bangladesh—I think it's been a little different from that of the Oriental immigrants. My experience in talking to people and being an immigrant myself is that our people when they come, even at the very threshold level, are grossly underemployed.

Some of these people come with high qualifications, dreams a little higher than their own qualifications, but they find it very frustrating to find a position or a job in their field. If they do not pursue education here, then it is a nightmare for some of these people.

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<sup>1</sup> See figure 1 in the introduction.

I just wanted to bring that to your attention.

COMMISSIONER CHAN. Thank you, Mr. Willy. I guess before Commissioner Buckley has a chance to ask a question, someone from the audience would like to respond to Commissioner Ramirez.

MR. CHAN. Commissioner, my name is Jan Chan. I am representing National Aeronautics and Space Administration (NASA), Asian Pacific Heritage Committee. And in response to your remark, I have some comment and testimony.

First, the comment: I'm working for a NASA contract, so, I know they have an affirmative action plan. But the fact is that it is not implemented for the Asian population. For instance, my company has about 900 people with department managers to top managers.

At the second level manager tier, we have about 30 group managers. We have two black group managers. No Asian employees are managers. That tells me there is some discrimination. Or just because we are not a squeaking wheel, so, we don't get greased, or there is some lack of implementation plan towards Asians, as far as managerial advancement.

And they will tell you, "Well, you do a good job. You're good at the technical part of it." (I am an engineer, too.) "And you have a language barrier." Even if you are the second generation or third generation, they still think you have either a language barrier or a personality problem.

We have some problems with communications once in a while, but I don't believe that we do not have any Asian people with the capacity to become a manager in a large corporation like Unisys, which is the second largest company in the nation.

With regard to the basic people, what you hear here is mostly from the well educated and I want to make a testimony.

When I first came to the United States, I already had a college degree. That was 15 years ago. I was looking for a job. And I got a job at the largest jewelry store where I was paid \$1.50 an hour. That was minimum wage and he could not go lower. And the reason he said was, "I'll pay you that even though you have a college degree." (I was working on my master's degree at the time in school.) "You should be grateful because 40 or 50 years ago, your ancestors were working as railroad workers. They got paid 50 cents. You get more than they did."

And that tells you that there is discrimination for the lower level people when they're trying to get through their lives. And the reasons you don't see them is because they are still kept struggling out there. That's why they cannot participate in this. And they would like to voice those things to you, Commissioners.

I really appreciate this forum and I would like for you to take this information back to D.C. and not just sit on it. Please implement and try to get those corporations to implement it.

COMMISSIONER RAMIREZ. I would like to make one quick comment. When people talk about language barriers, I always refer them to Henry Kissinger.

COMMISSIONER CHAN. Now, because time is very limited, I would like to let Commissioner Buckley say something.

COMMISSIONER BUCKLEY. Okay, I have a lot of questions, but I would like to address the issue of the census at this time. And first of all, I would like to tell you that I commend what Mr. Yuan is doing in his organization. Your idea of networking is great. And I can tell you in the Hispanic community we are trying to set it up to where we do it and I am glad you have some of that in place because that is going to make a lot of difference.

I am having a meeting next Tuesday in Laredo, as a matter of fact, I think, it is the Regional Director for the Census and I would like to get some ideas from you today as to what I can tell—I have ideas about what I would like to tell about the Hispanic community, but what should I tell about the Asian American community?

The issue of the under count is very important and I would like if we can briefly say how do you figure this 60 percent undercount projection? Are you accounting for this 60 percent error as a result of illegal immigration? Is it because language is the problem? Is it cultural? What are the issues that we could take to the Bureau of the Census and say, "This is what you need to look for to help set up a better count for 1990."

Ms. WONG. I think a part of it is the language problem. First of all, there are not enough Census Bureau workers who can speak the different languages so that the census is taken properly.

Another issue is that it is not written, or a form developed, in all of the different Asian languages.

One of the new issues that is on the new form, as I understand it, was discussed at the Asian-American Voters League Convention held in October. They are going to try to say, Asian Americans. Then you are going to have to fill in the blank as to which subgroup you are of the Asian Americans. This is going to take Asian Americans a little bit longer to fill out the forms. Some people are going to be so specific as to say they are Chinese Asian Americans. Some are going to say they are Taiwanese Asian Americans, et cetera. So, you are going to end up in a big mess.

We have already pointed that out to the Census Bureau and it needs to be corrected. Little boxes need to be marked off in some way so that it is much easier to complete.

I just think that the information is not getting out to the proper people so that the forms can be completed correctly. The Bureau is very aware of that problem. That has been brought to their attention as far as I know.

Glenda?

COMMISSIONER CHAN. Please state your name.

Ms. JOE. Glenda Joe. There are 200,000 Asians in the greater Houston area. There have been since approximately 1980. We get those figures from the Texas Education Agency, extrapolating the information from them.

We do know that 85 percent of the 200,000 who are here came since 1975. If they expect them in 5 years to get acclimatized to answering the census, they are very sadly mistaken. That's why we have the undercount.



## **Session II: Education Issues**

**COMMISSIONER CHAN.** We will start on session II. At this particular session, we have Ms. Glenda Joe and Michael Chou. Please proceed.

### **Anti-Asian Racism in Schools**

#### **Statement of Glenda Kay Joe**

**Ms. JOE.** I am going to speak to you in terms of some specific case studies. The area that we are going to look at is the tolerance and promotion of racism in the Houston Independent School District (HISD). I have packages for the Commissioners that I will pass out when Michael and I finish our remarks.

My name is Glenda Kay Joe, and I am the president of Great Wall Enterprises. That is the only Asian public relations and advertising firm in the southwest United States. I am founder and director of Asian Art Houston which is celebrating its 10 year anniversary this year. I am the founder and director of the Asian Community Support Services Center, a volunteer organization that deals with crisis management and crisis intervention. I am also the founder and communications director of the Council of Asian American Organizations which was organized in 1981 in response to the planned aggression against the Vietnamese fishermen at Seabrook.

This case study involves Sharpstown High School in Houston, Texas. The time is between March and May 1989. This high school has a long record of racial confrontation and violence. The current principal was placed there a year and a half ago to attempt to diffuse racial problems and impose strict disciplinary action on racist activities there. It is a school with the highest concentration of Asian students in the city school districts.

The teacher involved here is Betty Waki. She is an international baccalaureate teacher in art, international baccalaureate being the HISD buzz word for honor student, honors program. She is also sponsor for the Asian Student Association. She is the yearbook sponsor and the only Asian teacher in this school with the highest concentration of Asian students.

The principal's name is Don Carlisle. The HISD administrators involved in this were Ruben Lopez and Betty Mincenmeyer, and the general superintendent for HISD is Dr. Joan Raymond.

In March students composed and placed in Ms. Waki's campus mailbox racist and sexually obscene materials which included statements directed at Asian teachers, students, and their families.

The materials referred to the termination and extermination of Asians. It also included a collage featuring photos of the murdered school children in Stockton, California. And, it included cutouts of a baseball bat which was referenced to the manner in which Vincent Chin was murdered in Detroit. Further sexually obscene remarks were made about the teacher.

When the students were identified, the principal suspended the ring leaders for the maximum of the 3 day suspension. Both were honor students, and one of the students was a National Merit Scholar.

The parents of the suspended students appealed the principal's ruling to HISD administrator Ruben Lopez. The parents argued that their sons were justified in their racist attack on the teacher. The students charged that Ms. Waki was a racist because she was pro-Asian. Ms. Waki was not present at the meetings to defend herself against the charges.

In April HISD administrator Ruben Lopez reversed the principal's suspension and required that the students serve only 4 hours detention. The children and their parents gloated to other students and school counselors that they had gotten out of punishment for a racist attack against Asians. Their activities following the reversal of their punishment served to further divide the school student body and the teachers on this issue. Ms. Waki is appealing the reversal of the ruling of HISD through the appropriate channels.

The Council of Asian American Organizations and the Asian Pacific American Chamber of Commerce formally protested the reversal of the ruling to Mincenmeyer and the HISD general superintendent. A written explanation from Lopez was requested to determine his reasons for reversal of the suspension, but no explanation was supplied.

In meetings with Mincenmeyer, she assured us that HISD does not tolerate racist attacks, but was hesitant to involve itself with reversing a reversal. It appeared to us that HISD was more concerned with maintaining their image than correcting its mistake. It is our perception that the HISD administration was paralyzed, unable and unwilling to respond to these racial problems in the schools.

It is interesting to note that just in these last few days there has been additional racial confrontations at middle schools in the southeast primarily dealing with black and Hispanic students, and the ongoing problems there are well known to the U.S. Justice Department's community service person, in case you would like more information.

The *Houston Chronicle* featured an article on the incident, and it was published exposing HISD's nonaction on this racist attack. The Houston Asian American communities followed the affair with great distress. Following the *Chronicle's* article, Ms. Waki suffered increased abuse from the emboldened students and from white teachers at the school.

In May, our phone calls to the HISD administration were not returned. It became clear that HISD's original strategy of verbally placating Asian concerns had been dropped. Rather than dealing with the problem and finding solutions, HISD now chooses to ignore our repeated attempts to develop constructive positive strategies to reduce the tensions and blatant anti-Asian activity on the campuses.

Asian Arts Houston has been doing some arts in education programs at this high school, and we wanted to do the kinds of things that would help to defuse the racist sentiment there in terms of letting people know a little bit more about Asian culture and the diversity of that culture. It was a very successful program.

Regarding the issue of the racial attack on Ms. Waki, the Asian leadership proposed that the students involved write a research paper on anti-Asian racism from a national historical perspective. This suggestion was not acted upon by HISD.

The short-term effects on the Sharpstown High School are the following:

Due to the lack of clear leadership in HISD administration on this issue, anti-Asian racism is now a debatable issue. It is debatable as to whether or not it is an acceptable form of behavior for students and teachers at Sharpstown. The reversal of the principal's rulings have undermined the principal's authority in his attempt to defuse racist activity at the school.

Asian students have experienced a significant increase in the racially motivated verbal abuse on the campus. Teachers are divided on the issue of tolerating anti-Asian racism at the school. The students involved in the racist attack on Ms. Waki continue to believe that it is acceptable to express overt racism and anti-Asian sentiment. Their parents continue to assert that Ms. Waki's attention to the Asian students in that school qualifies her as a racist deserving of the attacks by their sons.

For myself, I have been working with HISD for a long time, trying to get them to be sensitized on the issue of Asian students and Asian teachers. And at this point, I give up.

COMMISSIONER CHAN. Thank you. Mr. Chou.

## **Anti-Asian Racism In Schools**

### **Statement of Michael Chou**

**MR. CHOU.** Ladies and gentlemen and Commissioners, my name is Michael Chou. I am the president of Quadrant Consulting, Inc., a consulting engineering and planning company. I am also president of the Asian Pacific American Chamber of Commerce, Southwest Region; general coordinator of the Council of Asian American Organizations; chairman of the Houston Arts; past chairman and member of the Houston Police Advisory Committee; and on the board of directors for the Houston Mental Health Association. What I want to do for you now is to put this case study that Glenda just told you in somewhat of a perspective.

There has been a systematic pattern of anti-Asian policies and activities on the part of HISD for many years. Interestingly enough, in 1982, and this was also at Sharpstown High School, the same teacher Betty Waki was in danger of losing her job with that high school. HISD characterized this Asian teacher as white as part of their faculty ratio. Sharpstown had to get rid of one white teacher, so Betty was threatened to be let go.

As the only Asian teacher involved in one of the highest concentration of Asian students and organizer of Asian programs, it was a ludicrous act of Asian insensitivity. The Council of Asian American Organizations, students and families, went to the HISD board of education to ask for Betty's reinstatement.

HISD subsequently reversed its decision. Concurrently, we at the Council were wrestling with the Ku Klux Klan in Seabrook over the Vietnamese fishermen's presence in Seabrook. I do not think that the Ku Klux Klan in Seabrook characterizes Vietnamese people as white in Seabrook or anywhere else.

According to HISD policy, blacks are categorized as blacks, whites as whites, Hispanics as Hispanics, but Asians as white. We lost the fight to change the category of including Asians as a separate category, but won the fight to keep Ms. Waki on her job. And we did not do this all in a vacuum. Glenda spent many hours sitting on committees such as the Task Force for Education Excellence that was created at that time by school superintendent Billy Reagan.

In 1983 the principal of Sharpstown again tried to terminate Ms. Waki. We mobilized the community again, and once again protested to the board to have Ms. Waki reinstated. Again Ms. Waki kept her job, and HISD reversed its decision.

Since that time, however, HISD has not attempted to try to let Ms. Waki go or to transfer her. This I think is an exception to the

policy and I do not think that it affects any other Asian teachers. I think that they can probably still carry this policy out to other Asian teachers except for Ms. Waki because all of us are watching.

Students at HISD are also treated as minorities of convenience. They are classified as whites for magnet school admission quotas, which subsequently reduces the total of the number of Asians who enter HISD programs. They are categorized as white for the Iowa test scores, due to the general perception that Asian kids do better on tests. Asian students are categorized as Asian students, however, if they want funding for English as a second language.

There must be a consistent and proper classification of Asians by HISD and it should even conform to what the State of Texas is doing through the Texas Education Agency. If you look at the brochures and everything else, they classify Asians as Asians in a separate group, and the State of Texas is doing that.

Let's move from the policy issue part of this to the anti-Asian sentiment that is going on. As early as 1982, the HISD administrator Area II supervisor publicly blasted Asians as a class in formal meetings of HISD's Task Force on Education Excellence.

On the school level, anti-Asian sentiment is promoted between teachers, coaches, and Asian students, sometimes ranging from physical confrontation to inappropriate remarks. Teachers' racist attitudes fosters racial prejudices, negative atmospheres, and negative activities on the part of students, creating untenable situations in the classroom.

We believe that the bottom line resentment of Asians stems from Asian achievement, not only on the student's academic performance, but also economically from the parents who many times are accused of working too hard.

The education system here lacks a clear policy for addressing Asian American race issues. If there is such a policy, it certainly is not applied here and disseminated to administrators and teachers. This latest incident presented by Glenda Joe and the lackluster response by HISD once again proves that the system of addressing racial prejudice, particularly in HISD, is not present.

All of this points to a lot of things and it points to one major thing in my mind. It points to a lack of enlightened leadership, a lack of sensitivity to a diverse culture, and finally just a plain lack of respect to taxpaying Asian American residents here.

COMMISSIONER CHAN. Thank you, Mr. Michael Chou. Right now, it is Ms. Ning Chiu.

## **College Experience—An Asian American Perspective**

### **Statement of Ning Chiu**

Ms. CHIU. My name is Ning Chiu. I am pleased to say that I am proud that I am the only college student at this roundtable panel. I attend the University of Texas at Austin. I was the past chairperson of the Texas Union Asian Culture Committee which sponsored a program, Asians in America, of which three of these panelists were participants. Presently I am the student association's Asian American advisor to the president. The student association is the student body government.

When I first gave thought concerning the specifics of the subject matter for this presentation, I decided against statistical data as the best means of conveying my message. I have chosen instead to utilize my own experiences and those of my peers at the University of Texas (UT) in Austin.

Numbering 50,000 students as of the fall of 1988, the university is an excellent example of the kind of State institution that so many Asian Americans attend. Recently, a great deal of so-called minority issues have come under discussion at UT, but never once are Asians mentioned. Freshmen admissions, persons responsible primarily for recruiting minority students to university funded programs, claim only blacks and Hispanics in their interest.

Their criterion for dividing minorities is as follows: any group on campus underrepresented in proportion to the numbers in the State. If the number of Hispanics on campus, for example, were to some day match the proportion of Hispanics in the State, Hispanics would no longer be classified as a minority by the university. This I was told by freshman admissions with some prodding.

The institutional studies department, however, with their percentile breakdown of ethnic makeup, goes as follows: 74.3 percent white, 3.6 percent black, 9.9 percent Hispanic, 6.8 foreign, and 5.4 other, which includes Native Americans and Asians. But what groups does the university view as minority students when the university quotes figures about their minority population on campus? Institutional studies replied blacks, Hispanics, and other.

Our ambiguous status at the university exemplifies our present state coined by one student as a "minority of convenience." We are not granted minority status when it comes to scholarships, recruitments, and retention programs, or hiring of minority faculty. We are counted, however, when it serves the needs of the university.

This theme of our presence as a "minority of convenience" becomes pervasive when it translates into the thinking of Asian American students. Why do we tend to congregate amongst

ourselves? One Asian student explained, "Before we say anything, we have a connection." A natural empathy about our situation draws us together.

We are rejected from the majority population because they do not understand us. They are ignorant of our history, especially the history of our past oppression. Many of them say you have never been discriminated against—why are you complaining? They also do not realize that discrimination continues, however covert. The stereotype of the bookish Asian student interested only in studies is an example. Before we even say anything, preconceptions form an initial barrier that we must struggle to overcome. As one Asian student remarked, "Sometimes it is not worth the trouble." Thus he claims his friendship mostly with Asians.

We are alienated from the majority population because they fear us. One engineering student leader told me that when she first arrived at the university and saw the vast numbers of Asian students, she thought, "Yes, they are all Japanese, and are here to steal our technology and take over." She said that she was terrified. As a group we do pose a threat to the power structure. They fear our potential success, success measured by the income levels that continue to climb. As a refuge, Asian Americans tend to group within, instead of venturing forth.

At present, 29 Asian student organizations exist. We are a lost generation and confused. We are confused about the conflict with our heritage that teaches humility and the contradictory American way of selling yourself during job interviews. We are confused why educated college students still say, "You speak very good English," or ask, "Do you eat dog?"

Why do so many Asian Americans long to visit a homeland that some have never seen? One student born in the States said that when he entered Hong Kong that he felt an immediate sense of belonging that nowhere else had ever offered.

How much do we identify with our ethnicity? Are we Asian or are we American? Do we really have to choose? Sometimes we do. Pressures mount on either side, parents, peers, the system. Assimilation often coincides with a compromise of ethnicity. When you enter a melting pot, you blend and you become part of the hodge-podge mixture. At what risk if we hold back and are unwilling.

How can we change things? It is to educate. And this I plead to the roundtable as well as to the Commission. Educate not only non-Asian American students but Asian American students. Make Asian American students aware of the issues that surround us. So

the next time that I am going to an Asian civil rights convention, they do not question it as well.

We are the generation that will carry on all of the work that all of you have started. But the tendency in Asian heritage that promotes self-sufficiency meets narrow goals. Educate the college population, involve them in the programs that concern civil rights, give them an outlook and voice, give them a chance to act.

Success should not be measured by SAT scores, grade point averages, or future earning potentials. There are a multiple of concerns underneath the surface that we need to address.

COMMISSIONER CHAN. Thank you, Ms. Chiu.

Next on the list is Dr. James Loh. Dr. Loh.

### **Fair Education System for Americans Statement of James T. Loh**

MR. LOH. Ladies and gentlemen of the U.S. Commission on Civil Rights, we applaud you for being here to listen to our concerns. My main message and concern is the discriminatory admission practices that I have heard in some of the American colleges against Asians, American born and otherwise, who apparently have high academic performance.

Now as we all know when we were kids, we were not able to learn body languages, and we were not able to maintain eye contact, and we were not able to play golf, and we were not going to be able to learn to negotiate. We were 16 years old for goodness sakes. And as far as I am concerned, a high academic performance at that juncture in a person's life is important. It is probably the most important and single most important thing. My parents are illiterate and that is what they pushed me to do.

As you know, right now the Department of Justice is investigating the University of California at Los Angeles for alleged discriminatory admission practices. Now this is serious when the Department of Justice has to investigate. There must be several good causes for such action. There is a public outcry against such practices in California, and now probably in the Nation because of media exposure. It is my belief that subjective criteria for a child to enter college should not be used and must not be allowed for those people who have the power to use it.

If we are looking for a fast ball pitcher in baseball, we go and pick the one who throws the ball fastest, a 100 miles an hour or 96. We are not going to look for somebody who dresses well. I strongly believe that a child's basic academic performance at that juncture



in life is the single and most important consideration for college admission.

Let me also emphasize and point out that as the child grows that he is going to pick up a lot of extracurricular experience and skill like most of you probably have, negotiation skill, management skill, interpersonal skill, how to bear up against stress and frustration. And let me just add that we ought to pick the brightest of all of the people to educate.

Let me just end. That is my prepared statement which is short and hopefully sweet. I have an unprepared question to the Commissioner who I note is appearing here today, that it seems to me that we have most of the minority Commissioners present. It struck me. I believe that most of you even without coming here are aware of our concerns and culture differences.

What we ought to do is an education of other Commissioners who are not Asian Americans and who have lost the chance to hear what we have had to say at least here. They may be somewhere else, you know. But I believe that education on both sides is necessary to reinforce what has been mentioned, to make the melting pot into a good stew.

COMMISSIONER CHAN. Thank you, Dr. Loh.  
Next on the list is Dr. Martha Wong. Ms. Wong.

### **Asian Admissions to Colleges and Employment Discrimination Statement of Martha Wong**

MS. WONG. Thank you. Again I will reintroduce myself. I am the secretary of the Texas Asian Republican Caucus. I am on the board of directors of the Institute of Chinese Culture and I am also the new president of the Asian American Lions Club.

Let me just support one thing that the gentleman who just spoke said. I was very pleased to have Commissioner Goodner here. I wonder if anyone from his office is present to listen to the remarks made to this Commission.

(No response.)

That again is indicative of the concern that the city of Houston has for what is happening to Asian Americans when 14 percent living in that particular precinct are Asian Americans and no one is here to listen. So I agree with you that there needs to be other people here to listen. Most of us here know what the problem is. It is the people who are not here that are not aware of the problem. I am very embarrassed by the fact that no one from the Caucasian society is here to listen to us. I am very embarrassed for them that they are not here to be a part of this.

Let me begin by saying that I want to speak again about management. We were saying that there is a glass ceiling. There was an article in *Fortune Magazine* on November 24, 1986, that identified only two Asian American men who were CEOs of Fortune 500 companies that were not founded by Asians. Those are Gerald Sai of Prime America, and Robert Nagasomi of Toys-R-Us. And as I understand, Mr. Sai has now resigned his position. So two out of how many is a very small percentage. I think that the report said that it was something like .75 percent. There is that glass ceiling.

We were speaking earlier also about Asian Americans not being recognized and not having a representative percentage of Asians moving into management. My concern is that there are affirmative action plans, but that the affirmative action plans, each time they are implemented, for some reason do not recognize Asians, but recognize blacks and Hispanics as a separate minority. And that again is kind of a second glass ceiling for Asians, and I want that to be recognized. That it is not just one glass ceiling for all minorities, but that there is a second one for Asians. Because we do strive and we do well, but yet that glass ceiling is there.

I would now like to address education.

I am also greatly concerned about the admissions quotas. I have a specific case to report to you today. I have a niece in Phoenix, Arizona, who has graduated number one in her class in Glendale High School. She has been the captain of the volleyball team there. She is the president of the student council there. She is also a member of the honors society. I have her credentials here. She graduates number one in her class. And yet she was not admitted into Stanford University. I will present her credentials to you in print.

And the reason for her nonadmittance is probably because she checked off that little block that said that she was Asian American. As we said earlier, Asian Americans are having to compete with other Asian Americans to enter into the institutions of higher learning.

I would like to report on some comments made by the admissions director at Princeton University. And this is from the November 9, 1988, issue of the *Princeton Alumni Weekly*. The admissions director is being interviewed and here is what he has to say: "You do not have to be looking for class presidents or captains of teams to realize that a part of the culture of many Asian American families was not to have the child participate in extracurricular activities, but largely to devote himself to concentrate on academics.

There is no doubt, that is an extremely positive feature. It is very cultural. Asian Americans put a very high premium on education and doing well, but in colleges that also put a premium on diversity in terms of energy level outside of the classroom, of taking part in activities, that has turned out for many Asian American students to be a handicap. That is where they are not going to show up as well. There are many great exceptions to this of course."

The dean of admissions says, "I am uncomfortable about treating Asians as a minority group in the same way that one thinks of blacks, Chicanos, or Hispanics. The thing that distinguishes blacks and Chicanos is that it simply has not been a tradition that many of these students got into schools like Princeton in the past. That simply has not been the case for Asian Americans. The increased enrollment of Asian American students at universities like Princeton simply reflects their overall competitiveness with the applicant groups to these schools. We ought to be pleased, not concerned about this."

That viewpoint comes from a Caucasian perspective, that we ought to be pleased. It does not come from the perspective of the Asian Americans. Let's say that Asian Americans have a handicap because we do not participate. Then let us recognize that handicap the same way that the National Research Council wants to recognize the handicaps of other minorities who are not scoring well on tests.

As you know and I know, the National Research Council wants to recommend that minority scores on tests to screen job applicants be adjusted to assure minorities are given equal consideration with whites. While equal consideration of all applicants is a desired goal of all job screening, lowering standards and adjusting scores are not the way to achieve this goal.

While in one case they want to lower scores for minorities to get jobs, we are having a handicap because we do not take part in leadership activities. Let that be our handicap. If the scores are not our handicap, then let that be our handicap so that we can be recognized. That is what I have to say.

I also want to say that as students enter into the universities, I think that many of them have realized that it is very important to participate in activities. I do not necessarily agree with the gentleman who spoke before that we only go on academics. The major concern is, if you are going to have the guidelines out there to say that participation in other activities is important, let us know that in advance. Do not let it be the sliding scale for your convenience. Because as indicated by a student who participated well in outside

activities, she still did not get into Stanford University, and that is a great concern that we have.

We again urge you to look into this. We would hope that the Commission would cooperate or work in conjunction with the Department of Education that is investigating Harvard and also the University of Berkeley.

COMMISSIONER CHAN. Thank you, Ms. Wong.  
Next on the list is Dr. Manuel Pacheco.

### **Admissions Practices and Asian American Students Statement of Manuel Pacheco**

MR. PACHECO. Again it is an honor and a pleasure to appear before you today. And right now I come to you as the president of a midsized, urban, multiethnic university which is largely representative of the ethnic diversity in Houston. The university that I represent has more than 800 Americans of Asian descent, or approximately 11 percent of its student body. As I said earlier, I also appear before you as a member of the Texas State Advisory Committee.

My comments stem from three sources, our Asian American students, members of the Asian community in Houston who I have spoken to, and some of the literature regarding Asian American students in colleges and universities.

As many of us are aware, Asian Americans are the only racial or ethnic minority group that is better represented in higher education than in the general population. The importance of personal motivation and the support of the family are generally acknowledged to be primary determinants in this educational success. It is indeed unfortunate that such achievement is not attributed to effort and hard work, but rather to natural ability. This fact which is a racial fallacy at best is causing a backlash against Asian Americans at colleges and universities. And if this myth is not put to rest, it will undermine the future success of this group and the contributions that it makes to our society.

Asian Americans, according to a recent issue of *Educational Record*, make up approximately 2 percent of this nation's population and earn almost 3 percent of the bachelors and masters degrees and about 3.5 percent of the doctorates every year. Approximately 25 percent of doctorates in the life sciences and 20 percent of those in the physical sciences are awarded to Asian Americans. In addition 18 percent of engineering doctorates and 12 percent of social science doctorates are earned by Asian Americans.

90 percent of Asian American high school graduates attend some form of higher education.

Obviously, Asian Americans want a post-secondary education. They are also willing to make sacrifices for it, since they do not necessarily have better financial resources than other students. They use earnings and savings for college expenses and are less likely to receive any type of grant according to a recently completed survey. In addition, only American Indians are less likely than Asian Americans to receive loans.

In a Chicago area study, it was found that Asian American families are quite willing to sacrifice for educational opportunities. More than 8 out of 10 Asian American parents and fewer than 3 out of 10 white parents said that they were willing to sell their only house if necessary to provide for a college education for their children.

With such obvious hunger for higher education, there is a large proportion of Asian American students entering colleges and universities across this nation. This success in gaining access to higher education is creating concern and tensions among whites and other minority groups. We are seeing instances of some universities, especially selective ones, as was reported to you a little bit earlier, considering and actually limiting the numbers of Asian Americans that are admitted. And we have witnessed students declining to stay in a class with high numbers of Asians because, and I quote, "The curve will be set too high."

We need to be concerned about the setting of limits. Affirmative action and equal opportunity initiatives in the past have generally been aimed at promoting the status of minorities who need help in getting ahead in the world of the majority. In addition, to my knowledge, Asian American competition has not blocked the entrance or the admission of underrepresented minority groups, nor has it threatened the offspring of alumni, nor have they taken spaces away from applicants who are athletes, nor any others who have special talents or connections. The effort seems to be aimed primarily to Asian groups.

I am told that when English proficient Asian Americans are rejected, it is on nonacademic, personal criteria or on the basis of planned major fields rather than on academic bases such as test scores, grades, or rank in high school. Sometimes finite resources such as laboratory space and equipment and sometimes financial aid have been used as reasons to limit the acceptance of Asian Americans.

And while there may be little hard evidence at this point that systematic barriers are not being placed in the way of Asian Americans, there can be no doubt that recent controversies on campuses over this issue are having a negative effect on Asian American students.

Unfortunately there are some very negative and very immediate pernicious consequences of perpetuating the current admission practices that you have heard about today and which some of us have been observing. One of these which is reported is that these practices perpetuate the myth of the "Super Asian." Prestigious universities that use more strict criteria in the selection of Asian Americans feed the myth of the super student and place unfair pressure on all students.

A second consequence is that these practices exacerbate the divisiveness among ethnic groups. Greater than average selectivity applied to any one visible group will generally result in higher than average performance. This can only build resentment among other ethnic groups. The atypically high performance due to extreme selectivity rather than the typical distribution of talents will ultimately have the effect of alienating Asian Americans from each other as has also been reported here and from their majority and minority classmates.

A third consequence that I would cite for you is that it discourages qualified and motivated Asian Americans who are denied access to the first choice institutions.

Asian Americans as an ethnic group are in the midst of an ironic paradox. At the time when educators and the business community are finally becoming alarmed about our students' poor preparation in the sciences and mathematics, Asian Americans are the only group being taken out of consideration for admission to the most selective universities because too many are pre-med, engineering, or science and mathematics oriented.

America's drive for competitiveness can only be hurt by such inconsistent and unfair practices. The drive for excellence, particularly evident among immigrant youth, may be blunted or seriously deflected if they must settle for less than they perceive to be the best. The resultant loss will be not only to individuals but to a nation that must strive to keep its ever narrowing edge in science and technology.

COMMISSIONER CHAN. Thank you.  
At this time, I would like to ask Commissioner Buckley to start asking questions.

**COMMISSIONER BUCKLEY.** You make it very difficult for me to address this panel, because I happen to be a high school science teacher in Laredo, Texas, as my full-time employment, and I am head of the science department of a high school that is 97 percent Hispanic. Anyway, that is another part of the issue.

I have before me a Congressional resolution that has just been recently passed. I do not know if you all are aware of it or not. Perhaps we might have Mr. Eastman in a few minutes briefly skim over some of it. That might help to assuage some of your fears and concerns as to what is happening at Berkeley and other institutions, and it might give you some hope as to what Congress and other people in government are trying to do at this time.

The major concern that I have on this issue is if we could talk about some of the things that universities might be able to do. What I would like to bring up at this point is that I understand that there are other universities in this area that are classifying Asian American students as white to prevent their enrollment. And I would ask at this point if you know of specific instances, say of universities that are doing this at this time. I heard all kinds of comments yesterday about it being State law, that it is the Texas education code, that it is the Texas education agency policy. If you could state for me, on the record, particular agencies that are already classifying Asian Americans as white. Last night, for example, I heard specifically of one university in this area that classifies Asians that way for purposes of controlling admissions.

Would someone on the panel have some information on that?

**MS. CHIU.** My name is Ning Chiu. When I asked a freshman admissions representative how Asians were classified, she would not address it specifically. She stated that it was the legislature that classified minorities as Hispanics and blacks, but she did not say whether Asians were minorities or not. But I do know that we do not qualify for minority scholarships, and thus we are not minorities in that sense. But as reported in my presentation, we are counted when it comes to minority numbers.

**COMMISSIONER BUCKLEY.** So like for the MTAA scholarships or the minority program scholarships?

**MS. CHIU.** Right. We are not qualified to apply for those.

**COMMISSIONER BUCKLEY.** Anyone else?

**MR. WILLY.** I have the specific instance of my daughter. I am George Willy. This is not at the college level. Obviously I am not that old. At the magnet school program here in Texas, she took the test and she did very well. But because she was classified as white, in spite of my color, she could not get in there. She was on standby

for two other Hispanic students who had scored less than her. But if they were to take that position then she would be excluded, and they did, and she could not get in there.

So in the school system at least, and I am sure at the college level too, Asian minorities are still considered white for purposes of admission.

COMMISSIONER BUCKLEY. Thank you.

COMMISSIONER CHAN. Thank you, Commissioner Buckley.

Now it is your turn, my Vice Chairman.

COMMISSIONER RAMIREZ. Well, a great deal of information has been presented. There are many questions. I am very troubled by the particular case study that was presented. I wonder if there has been legal action taken in this case. Obviously, there are administrative remedies and then there are remedies in the court.

MS. JOE. We have discussed this particular situation as being actionable. We are aware of that. Betty Waki is a member of the school teachers' union. The union with the teacher and their legal counsel are discussing whether or not to take it to court.

COMMISSIONER RAMIREZ. Is it your belief that there is a pattern of anti-Asian sentiment among students?

MS. JOE. It is our understanding systemwide that the attention to racial problems in the schools has not been addressed. Therefore, in schools that have high concentrations of any ethnic group we are seeing an awful lot of problems. Specifically, where we have high concentrations of Asians in the southwest of this city, we are seeing the most problems.

COMMISSIONER RAMIREZ. To what do you attribute those problems, do you think that the perceptions come from the home, do you think that they come from the media?

MS. JOE. I think that it is two things. I think number one that it is a lack of strong leadership on a moral basis from the school district. Number two, we have had a situation in southwest Houston where the *Southwest Advocate*, a newspaper in this area, has had an editorial policy that says that we have too many Asians in southwest Houston. It is the same kind of problem that they have been having in Monterey Park in California, where a displaced, or a perceived to be displaced, established community is threatened by the emergence of economic activity in the southwest corridor. So it goes beyond the school doors and into the business community and the community at large.

COMMISSIONER RAMIREZ. Thank you.



**COMMISSIONER CHAN.** I would like to remind the panelists to please feel free to ask questions and comment at this time.

**MR. LIAUH.** My name is Wayne Liauh, and I would like to make a comment regarding education. I guess that the key phrase here is demographic representation. In essence that is setting up a quota against Asian applicants. I can give you one good example. I know a person who was applying to the University of Texas Medical School in Houston, and she has excellent MCAT scores and excellent GPA. And all of her classmates were granted interview opportunities except her. She is an Asian.

She waited for about a half a year, for about 6 months, almost until school was going to start, and still there was no response. She talked to the person in charge of admissions and there was no response. The attitude was very bad.

And it was not until I threatened to sue and to turn the system upside down that she was granted and obtained an interview the next week and was accepted 2 weeks later. So I think that there is a pattern of not overt but very subtle discrimination in the educational system, especially in medical schools.

I also found the statistics of the students in the University of Texas Medical School in Houston. In each class, they have about 180 new entrants, but they only accept about less than 10 Asian students. I am sure that Asian applicants with qualifying records are much better than the 10 out of 180. That is less than 10 percent. And I am sure that this happens to a lot of Asian applicants. I hate to say that each time when they face the problem that they have to engage a lawyer to threaten to file a lawsuit, and I think that there is something that we probably could do about this.

**MR. HAYRE.** I am Herb Hayre and I teach at a local university. There are overt as well as covert efforts by both the Federal Government agencies and the universities administering aid and financial assistance to students. I would very strongly recommend that the Commission look into the Pell grant and the student loan assistance program based on the salaries of the parents of Asian Americans versus New Yorkers let's say.

My daughter happens to be at Stanford and she is a senator there. This is absolutely absurd on the part of Princeton saying that our kids are not leaders. My son is the president of the student body at Cornell. Our kids, if given the proper chance, will succeed and will demonstrate leadership. This country not only needs it, but we desperately need it. If you do not put the brains where we need the competitiveness and so forth, we will never catch up with the rest of the world.

We are spending billions in deficits. We have programs in the Congress each one putting up \$4 billion and \$5 billion to give to industries to come up with new ideas of manufacturing and inventiveness. Here is the source that can deliver it. Not maybe, but it will deliver it. And yet we are not utilizing it.

Coming back to financial aid, I personally found out from the kids that, the kids coming from New York with a father making \$150,000 and a mother who makes \$70,000 gets 80 percent of the aid from Stanford. An Asian kid whose parents do not make more than \$50,000 gets one-fourth of what they get. We have further found that other minorities may get as much as 80 percent or 90 percent of their college tuition and expenses paid at Stanford, Cornell, and all over the place, and Berkeley, California, and *yet Asian kids are not given the same status.*

Let me give you a firsthand input from Berkeley. I happen to be a graduate of Berkeley. I got two degrees there. My son was not admitted to Berkeley. He was admitted to Princeton, Cornell, and many other places. Anyway I called up the dean, and I said hey, what is going on, and they gave me a method of admission. And this will shock you, it shocked me. They have a system of numbers, and she said this is what we follow. Then I said he is Asian American, and she said, "Oh, my God, there are so many, we do not even consider that at all. There are too many, this is becoming an Asian American university."

So I think that our national policies, our defense posture, our industrial posture, our educational policies, and our civil rights enforcement of basic rights of people to attend universities are all in conflict. Unless they get geared in the right direction, we might become a third world nation before too long.

COMMISSIONER CHAN. Thank you.

For those who wish to speak or testify, now since we have a couple of minutes, the one person who can reach the microphone first.

DR. CHEN. My name is Dr. Edward Chen, and I teach at the University of Houston at Clear Lake in chemistry. I would like to draw the attention of the Commission that there is going to be a problem in the future with respect to faculty members of Asian descent who have language difficulties as far as tenure and promotion are concerned. I happen to be a tenured full professor. But I think that this is going to be a problem in the future.

I would also like to point out the one thing that people have not pointed out. We should be looking at the qualified applicant pools in certain areas rather than the percentages in the total population.

I think that some people alluded to that type of thing. But as far as the particular universities are concerned, it should be based at least upon the qualified applicant pool, and if not, then strictly on the basis of merit.

And I believe that a lot of universities are looking not necessarily at the qualified applicant pool but on trying to level out, as the young lady from the University of Texas mentioned earlier. Just to have the percentages equal to that particular percentage in the general population. It would be like trying to have a basketball team that had to have one Chinese on it, even though all of the Chinese had a smaller stature. We do not want that sort of thing. But when we are qualified for a certain particular admission, then we should be judged not on the basis of the total population, but upon the basis of the qualified applicants.

COMMISSIONER CHAN. Thank you, Dr. Chen.

We still have a few minutes. Since I do not want to disappoint the gentlemen, why not let these two gentlemen speak, and then we can have Mr. John Eastman discuss what has happened in the Congress on the education bill. Please state your name.

MR. CHOU. My name is Daniel Chou, and I am a concerned Asian citizen. I have talked to Mr. Jenkins. One of the things that really concerned me about this conference is, we really need to let more people from the audience express themselves. I feel that this is one of the issues, hearing from the Asian citizens and the problems that are on their minds.

One of the things that I would like to talk about is the affirmative action plans. Affirmative action plans are in place by most employers, and I think that is good. I think that the problem that we have to be concerned about is the effectiveness of those plans. A lot of those plans are cosmetic.

Let me explain myself a bit. I think that Asians like any *protected class* have problems getting jobs in unskilled labor areas. I do not think that this is anything that is new to any of the protected class people. When we look at the technical area and the professional area, these are probably areas that we have the least problems with because of our educational background, our experience, and our academic achievements.

When we get into the managerial area, this is a different problem. I think that a lot of it is cosmetic in that it can be really covered up. Because when you get right down to it, it is a question of numbers and percentages. If you take a look at the managerial

levels, we can be talking about entry level, we can be talking about midlevel, and we can be talking about top level management.

I think that there are many protected class managers who probably fit into entry level positions. If we take a look at the midlevel, there may be some. When we take a look at top level, there are probably very few. I think that some of the information that was brought out indicates that. When we are talking about presidents of corporations, and about vice presidents, and about senior officers and top managers, I think that we have to look and see what are the true numbers and what are the true percentages. I think that this is one of the ways that you can disguise and really show numbers which really are not representative of all protected classes.

Let us also talk about inconsistencies. I think that we have inconsistency of classification in education, and we also have it in employment. Let me give you an example.

I know that several years ago that the Texas Employment Commission, which is a state agency, had classified Asians into a classification of other minorities, not Asian, but other minorities. Blacks were classified as blacks, Hispanics were classified as Hispanics, females were classified as females, and even those people who fit under the Age Discrimination Act were classified as people over 55. But Asians were classified in a group called "other minorities."

I think that this in many ways can be construed as discrimination. I think that one of the problems simply was that they felt that the numbers were very insignificant. And 10, 15 or 20 years ago, they were very insignificant. I think, because of that, that it made it very difficult for this particular protected class of people to be recognized as Asians.

Numbers play a very significant part in representation. If we had had this conference 20 years ago, we would be lucky to have 10 people here. But as we look at it today, because of the increase in the population of Asians in Houston and in Texas, I think that the representation is very strong.

This is one of the things that we need to address in the issues of the 1990s: the representation of Asians on committees and sounding boards that regard human rights issues for all Asians. So I think that representation is very important in the future, more representation.

Mr. Chan is a good example. We have had civil rights for 25 years, approximately 25 years. And we now have an Asian on the Commission on Civil Rights. I was talking to Dr. Pacheco during the break. He is on the Texas Advisory Committee. There are no

Asians on that committee. There is representation by Hispanics, by blacks, by whites, but there are no Asians on that board.

Also in the area of education, I can give you one example too, and this again is an inconsistency. I had a niece who was in elementary school. She applied for a transfer at the elementary level, and she was denied based on the fact that her father was Asian and considered white. However, she did get in on a transfer based on her mother's surname. Her mother had a surname that was of Hispanic origin.

I think that one of the things that we really need to look at and really question is, what is affirmative action? And to make affirmative action really work, employers and educational institutions need to really go one step further, and that is to look at their makeup. If they have underutilization of minorities and protected class people, they need to go the extra mile. This is affirmative action. And this is trying to give them the skills and give them the training so that they can move into levels of management, not just entry level but midmanagement and top level management.

And I think that this is one of the problems. I think that there are a lot of affirmative action plans. Everyone has one simply because of the law. But the question is how effective are they. And you know, a lot of it is cosmetic. I for one know because I worked in the area of affirmative action for a major company that is worldwide, and it really comes down to putting numbers and percentages on pieces of paper. You can show 15 percent are managers. But if you break down and look at those managers, where are those managers? And this is for all protected classes, not just Asians.

COMMISSIONER CHAN. The other gentleman is waiting.

MR. CHO. My name is Chiang Cho, an architect. And I think that South Africa used to classify Asians as colored, and now they classify Asians as honorary white. I think that maybe the United States should try to catch up now and classify Asians as honorary white. I think that the point is that there is *an inconsistency in classifying Asian Americans*. I think that it is a matter of convenience for funding and for agencies and schools to look good that they classify Asian Americans as a minority. But in practice they do not consider Asian Americans as a minority.

The Metro is the largest agency in this region. And in Houston, there are more registered Asian American architects than all of the other minority architects combined. We are invited to the meetings and to participate in the conferences, but as far as I know, none of

the architects ever get a contract from Metro. So actually we simply stopped going. We know that it is just a token.

And regarding admissions, Martha, if you noticed the new dean of admissions at Princeton was the same dean of admissions at Stanford University. And this kind of attitude regarding admissions, I have my personal experience. When I was at City College in New York as a part-time associate professor, they had an evaluation. And the dean for some reason tried to get rid of me and said that I have a language problem.

I admit that I am a first-generation immigrant. I came to the United States after I finished college, and I may have a language problem. But in the field, I can communicate. I may make grammatical mistakes, but I can communicate.

I challenged the dean of the school of architecture to sit in my class to see whether my students understood me. I said, if they do not understand me, I will resign. If they understand me and you do not understand me, then that is your problem.

I found another thing that was disturbing. After practicing over 10 years, because of the limited opportunity to be on my own, I went back to work for someone else. At the same time after 10 years, I have been thinking of going back to teaching. I found out that most advertising in the professional magazines, advertising for faculty positions, is a matter of convenience to meet the Federal Government requirement. They already have someone preselected. It is not an open opportunity for minorities to apply for a teaching position.

And also I think what is very, very important is my personal experience. When my daughter was admitted to one of the Ivy League schools, people would come to me and say, your daughter was probably admitted under the minority program. It seems that because of the admission of my daughter, it was taking away the opportunity of their son and daughter. And that is very, very unfair. I think that it is a matter of classifying Asian Americans as a minority or not. Make it clear to the public. We do not ask for special favors. We want to be treated fair. And that is my personal experience.

For example, my son is a year ahead in school and very short. His nickname is Shorty. In this case, he cannot participate in baseball or basketball. It is very obvious. And he did score very high. He scored 780 in math, and 590 in English. Also he made all-State orchestra. It is difficult to make the all-State football team. He was turned down by Rice, was turned down by Princeton, and was turned down by Cornell. They never gave a specific reason,

but obviously he is not a football player or something. And he feels frustrated and he feels rejected, and he could become apathetic.

I think that this is the important thing. We do not ask for special favors, but we want to be treated fair.

COMMISSIONER CHAN. Thank you.

Before I ask Mr. John Eastman to say something on the bill introduced by the Congressmen, I have some unprecedented action. At this moment, I would like to spare a few moments for myself. And at this time, I would like to step down as the chairman of this meeting and let Commissioner Ramirez chair this meeting, so that I can present this to you.

COMMISSIONER RAMIREZ. The chair recognizes the Honorable Sherwin Chan, Commissioner from the State of California.

COMMISSIONER CHAN. I come in as a peon so to speak. I consider that I am one of the audience in which I face discrimination in education, which I have kept for 15 years and I did not say it to anybody, but I would like to share that with you.

Being from an Asian family, we are very particular on children's education. My son happened to be the first one in the class. At UCLA if you have a 3.98 grade point average, you are the first one in the class. Since he was premed, he wanted to go to the UCLA Medical School, but it was not that easy.

I want to tell you that during that time the UCLA Medical School had 160 students each quarter. Among the 160 students, only 10 percent were set aside for minorities, and that is 16 students. Half of those 16 students were delegated for blacks, and the other half of only 8 students from other minorities, which was dedicated for Hispanics. And there were only four slots being shared by the rest of the minorities, Chinese, or Filipinos and others.

So in these 4 slots, it just happened that there were 12 applicants to fill the slots. Now my son was one of the 12, but 8 other people had a grade point average of 4.0. So he was out. Because he graduated from UCLA, they said we will put you on the alternative waiting list. On the alternate waiting list, he was 12 on the waiting list. So he never made it that year.

I do not know whether this system still exists or not. The people if you ask them, they will not say it, especially being a Commissioner on Civil Rights. They never will admit that. But I just wanted to tell you that discrimination in the education area has a long history. And this is my personal suffering, and I would like to share that with you as an audience and not as a Commissioner here.

COMMISSIONER CHAN. I am resuming my chairmanship. John Eastman, you can speak.

MR. EASTMAN. Since there has already been some discussion about the resolution that will soon be introduced in Congress, I thought that I would read it. Congressman Dana Rohrabacher and Congresswoman Patricia Saiki are jointly sponsoring it. They have circulated it already to their colleagues in the House of Representatives, but have not had much of a response. And my understanding is that they intend to introduce this resolution next week in the Congress, and they asked if I could mention it. But I thought that since it is fairly short that I would just read it to you.

Whereas Asian discrimination is indefensible, improper and immoral, whereas it has been reported that many institutions of higher education have instituted admissions quotas designed to limit the admission of Asian Americans, whereas these restrictive quotas are similar to those instituted in the 1920s to limit the admission of Jewish students, whereas statistics show that Asian American students face greater obstacles in their attempts to attend institutions of higher education than students of other races, whereas the Office of Civil Rights of the Department of Education is conducting compliance reviews at Harvard University and the University of California at Los Angeles to determine whether the schools violated Title VI relating to nondiscrimination in federally assisted programs of the Civil Rights Act of 1964, and whereas the Chancellor of the University of California at Berkeley apologized to Asian Americans for an admission practice of the school which had a negative impact on the admission of Asian Americans, therefore be it resolved by the House of Representatives with the Senate concurring that it is the sense of the Congress that institutions of higher education should review their admissions policies and if necessary revise them to ensure that applicants are not illegally excluded from admission because of their race in violation of Regents of the University of California versus Bakke.

The Attorney General should investigate allegations of illegal racial discrimination in the admissions policies of institutions of higher education and pursue legal action against those schools which have violated Title IV or VI relating to desegregation of public education and non-discrimination in federally assisted programs respectively or both of the Civil Rights Act of 1964.

And lastly that the Secretary of Education should conclude as soon as possible the compliance reviews on admissions policies of certain institutions of higher education being conducted by the



**Department of Education and initiate additional reviews of the admissions policies of schools alleged to have illegally discriminated on the basis of race.**

**And that should be introduced next week.**

**COMMISSIONER CHAN. Thank you, Mr. Eastman.**

## **Session III: Employment Issues**

COMMISSIONER CHAN. Ladies and gentlemen, please be seated.

Dr. Wei-Chang Wayne Liauh. You are the one currently requested to make a presentation.

### **Employment and Career Opportunities of Asian Americans in Major U.S. Corporations**

#### **Statement of Dr. Wei-Chang Wayne Liauh**

DR. LIAUH. Commissioner Chan and Commissioner Buckley, my name is Wayne Liauh.

First, I would like to express my most sincere thanks to you and to your staff members for taking time from your busy schedule to organize and conduct this conference.

At least, we have made a very significant advancement, in the sense that we can organize, and have this kind of meeting in Houston. Having the meeting in itself is very significant.

My subject today will focus on the employment and the career opportunities of Asian Americans in major U.S. corporations. My statements will only reflect my personal opinions. Because of my inability to access exact data, the numbers that I will be quoting are only my good faith estimates. They are, in a sense, based on hearsay.

I am of the opinion that most Asian Americans are facing an insurmountable glass wall in the corporate world. As a matter of fact, most of us have given up hope of advancing on the corporate ladder. The more we thought about it, the more frustrated, discouraged and depressed we became.

It is my opinion that not all the major corporations have a discriminatory policy. But the facts seem to clearly indicate that there exists at least some subtle discrimination practices against Asian Americans in the corporate world.

Again, as I mentioned in the beginning, because of my lack of ability to access exact data, I can only quote the numbers based on my good faith estimates. I can list numerous examples to illustrate, to support my point, that there are at least subtle discriminatory actions against Asian Americans in the corporate world and in U.S.-based companies of international corporations.

Within our company, there are about 800 to 1,000 research and engineering professional staff members in that company. About 60 of them are of Asian origin. We think, in that company alone there are altogether about 200 management and management track positions. There are no Asians in the management positions and

only one Asian in a management track position, which means in the next, at least 5 years, there will be at most one Asian in a management position.

If we apply the method of statistical analysis used by the United States Supreme Court in two cases, the probability that particular company—and I think if we look carefully, our companies are in a similar category—the probability that that company is not engaged in a discriminatory employment practice, the probability is only 3 of 10,000. The probability, based on the statistical method used by the U.S. Supreme Court, the probability that that company, an international company, is not engaged in a discriminatory employment practice is 3 out of 10,000. I must add that as bad as it may seem, the probability is still much better than winning the Pennsylvania lottery.

The statistic is indeed stunning. But why is this happening? I offer the following opinions. I should point out that by no means is the list exhaustive.

First, although we are moving into the 1990s, I suspect that the minds of many corporate managers and the senior staff members who have direct control, who have the power over our workings in the corporate world, are still in the 1960s. As a consequence, for most of them, we Asian Americans are a suspect class, and we usually have to prove that we are better, in order to be equal.

The degree of burden of proof that we must carry, we must all carry, usually varies according to our years of service with the company and our position in the company. When we start in the company, often a preponderance of the evidence will suffice. But as we advance, the degree of the burden of proof gradually elevates to a level of proof by clear and convincing evidence. Sometimes, and ultimately, we have to prove ourselves beyond any reasonable doubt.

Another consequence resulting from such prejudice, due to ignorance, is even after we pass a certain test or a certain set of tests, the rules or penalties are usually harsher, much harsher against us if we ever made any mistake.

A second reason is most major corporations seem to have a tendency to promote a monolithic work environment. Therefore, some of our Asian cultures that are different from the Western cultures are perceived quite negatively by corporate management.

Nothing, however, is more obvious in this regard than the requirement of perfect English. Many of us feel that our Asian accent is a major stumbling block in our career path.

In the past, many companies were able to hide this prejudicial criterion under, quote unquote, "a subjectiveness umbrella." If you do not get promoted, the managers can tell you that well, sorry, it is very subjective. But after the Supreme Court's Watson decision, many corporations, to my knowledge, began to codify or institutionalize the perfect English requirement.

I have read a company appraisal sheet which lists several items, under which an employee will be evaluated from a wide range of categories. Normally, there are four to five points under any specific category, such as our job knowledge, the quality and the quantity of our job output, et cetera. However, there are 12 under the category of communication skills.

There is no doubt that communication skill is very important. However, adopting a standard that is unreasonably high may be tantamount to allowing an employment practice that is prejudicial against the foreign-born Asian American employees. That is a situation we are facing today, and we have been facing in the past, and we will be facing in the future.

Most of us have proved our technical capability. However, many major corporations tend to overlook the nontechnical side of many Asian Americans. Corporations pick pigeon holes for us. And what is worse, they believe that we are quite content staying in those technologically airtight pigeon holes.

Sometimes I feel that corporations even extrapolate such experience beyond the corporate confines.

For example, I know many corporations are actively involved in doing business with China. This necessitates meeting people in and out of China. However, I do not know how many major, I say major international corporations, actually engage Chinese origin or Asian origin lawyers to do the visa-processing work.

In summary, although I do not feel that there are any flagrant or overt employment discriminatory actions by major corporations, there are numerous examples which at least raise considerable doubt as to whether Asians are treated fairly. Some of this disparate treatment may be a result of lack of understanding and/or lack of communication.

But here I am very delighted and grateful to see that at least the administration is taking an active role in promoting the well-being of Chinese Americans by appointing several Asians to important and highly visible Government positions. An example is Commissioner Chan. I believe this is a good step to remove the doubts that many corporations have against Asians.

That concludes my presentation.

COMMISSIONER CHAN. Thank you, Dr. Liauh.  
Next on the list is Mr. Robert Lay-Su.

**Obstacles that Asian American Consulting Firms Face  
In Obtaining Contracts from Local Government Agencies  
Statement of Robert Lay-Su**

MR. LAY-SU. Thank you.

My name is Robert Lay-Su. I am the president of Lay-Su and Associates, an architectural and engineering firm. And I also happen to be the president of the Chinese-American Engineers and Architects Association, which we normally call CAEA.

And on behalf of CAEA, I would like to express our sincere appreciation to the U.S. Commission on Civil Rights for this opportunity to participate in this roundtable conference.

Being in the consulting business, myself and my colleagues, the work of independent architects and engineers in private practice is highly dependent on the obtainment of contracts.

Now, before a contract could be awarded to a firm, a selection process must take place. And like any other business or business decision, before selecting the services of a professional company, whether it be an attorney or a physician, an architect or an engineer, these firms' experience and qualifications must meet your specific requirements.

In other words, if your little boy is sick, you should seek the services of a pediatrician and not of a gynecologist. Or if you need to have help on immigration law, you should not go to a criminal attorney. By the same token, in the engineering and architectural business, we have different areas of expertise and different levels of experience.

Like anybody else, Government agencies go through the same process. Which it is very well publicized. They go through an established process in which they request Federal forms called 254s and 255s, in order to make the selection process fair and evaluate the specific project requirements against the specific experience and qualifications of those architectural and engineering firms that are being considered. Unlike purchases of equipment or construction, this process does not take into consideration cost. The selection is based strictly on qualifications and experience. Cost does not come into place. Cost takes place after the contract award.

Now, I can understand if you have been selected and you cannot negotiate the cost, then the next firm in line should be awarded the contract. That is fair.

Unfortunately, even if you are ranked number one, I can firmly tell you today that your chances of getting the contract are still 50-50, just because you are Asian American.

Under normal circumstances, you would think that after doing your research, going to the job site, conveying all of your expertise and experience, and also being interviewed orally by the selection committee; when you are ranked number one, you would believe that you should be awarded the contract. Unfortunately, this is not always the case. The selection committee only recommends. The final decision is made by the board of directors or political leaders.

Let me state a specific example.

At the Harris County Metropolitan Transit Authority, Metro, which is the largest transportation authority in the State of Texas, and the one with the most money to spend on architectural and engineering projects—and by the way, I think that they also receive Federal funding—there are 12 board of directors. Remember! these are the people that make the final decisions. Guess how many are Asian Americans? Zero! Not a single one is Asian American!

These people are appointed officials. They are not elected officials. They are appointed officials. Appointed by the local politicians that we have in this town. And these are the people that make the final decisions.

I can further tell you that from personal experience, I have seen the occasions on which this board of directors has reversed the award of a contract which should have gone to the number one ranked firm, which was an Asian American firm. It was reversed for the benefit or the favor of another minority group.

I don't want to go any further. I think that speaks for itself, and the fact is, as Ms. Wong was saying this morning, the fact that we do not have a representative from any of our local politicians here in this room today, tells us a lot about what the leaders of this town think of the Asian Americans. And that is unfortunate. It really is unfortunate.

I felt that it was appropriate at this time to express the concerns of the people that I represent to you. Hopefully, we can convey the message to not only the Federal officials, but perhaps through the Federal officials to our local officials here in town that, hey, our community also counts. We vote.

By the way, November is coming up. There is an election coming up. And we count.

I want to further say that if you compare—this is just one example, but if you compare—I have gotten that data from the Harris County Engineering Department and from the city—if you compare

the number of Asian American qualified architectural and engineering firms in this town against the qualified architectural and engineering firms that belong to other minorities, we are equal or in larger numbers as them. But yet when you see the award of contracts, the list of award of contracts, to all of these firms, the number of contracts awarded to Asian American firms are negligible.

So I do not know what the answer is. I hope that the Chinese American community as a whole will team up, network, join forces, and express our concerns to our local officials.

COMMISSIONER CHAN. Thank you.

I would like to ask Mr. William Chang to testify.

### **Stereotypes and Cultural Diversification Within the Firm Statement of William W. Chang**

MR. WILLIAM CHANG. Thank you.

Commissioner Chan, Commissioner Ramirez, Commissioner Buckley, the first thing I should like to do is say I appreciate the chance to make my thoughts known here. And today, what I would like to do is tell you a little bit about stereotypes and what can be done especially in cultural diversification to resolve some of the difficulties we have today.

When I was a child, I had been told a story about five blind persons and an elephant. We all know the story, and we all know the results. The five blind persons see the elephant as a tree trunk, a wall, a snake or a rope. Unfortunately, today in America, there are a lot of blind persons walking on our streets, because they see people through different stereotypes. They cannot see the strengths of some of the people in our country.

For instance, they say blacks are usually easy-going, they like to sing blues. And a lot of Hispanics are just wetbacks and that kind of thing; and the Chinese are coolies, they cannot be leaders. And yes, in a way, we are being treated as coolies even today.

Our forefathers came to this country. They worked in the gold mines. They worked in the railway yards, and they worked in the laundry shop. They were coolies. But today, I remember back in 1985 I read a story in *Time* magazine, that called us, the Asian Americans, the coolies of the 20th century, the high-tech coolies. We are not in the managerial areas. We only work in the lower technological level. We hit the ceiling real early, maybe the first year, maybe 5 years after we get into a corporation. And that is the fact.

What happens is we are seen through the stereotypes that we have communication problems, that we are not team members in an organization. We're better being put in a corner, working on high-tech subjects. And that is the case for most of our Asian American professionals.

Is that true? I do not think so. Because if you take Commissioner Chan here, when he got on the job, he did a very effective job of promoting Asian civil rights, certainly with the help of other Commissioners and the staff of the Commission on Civil Rights.

And the other thing, we can look around, we have today in the States, a lot of competition from Asian and Pacific countries. Are those people different than the Asian Americans here? No, they are not. They are identical, except we are in a different place being treated differently.

This really aggravated me. I would like to suggest, several things.

One thing is I would like to see the Civil Rights Commission promote some of the role models which we can put people in different Federal commissions or boards as the members on the commissions or different boards, or assistance in those areas. And those people will be able to show their strength and let the rest of the country and the rest of the American people know what we can do.

Another thing: we talk about networking with the rest of the community. I would like to see the Commission do some networking for us with companies or corporations that we cannot do. We need to let the corporations and the companies know there are some problems, and there may be some solutions we can find. That is one other area we should pursue.

COMMISSIONER CHAN. Thank you, Mr. Chang.  
May I ask Mr. Gordon Quan to make the presentation. Mr. Quan.

## **Concerns of New immigrants Attempting to Enter the U.S. Labor Market**

### **Statement of Gordon Quan, Esquire**

MR. QUAN. Thank you very much, Commissioner Chan. I am an attorney in private practice in Houston. I am speaking today as chairman of the International Services Program, the YMCA of Greater Houston.

While several of the speakers that you have heard today have addressed the concerns of Asians who have obtained middle and upper class status, I would like to address some of the concerns of new immigrants who are attempting to enter the U.S. labor market.



For the past 10 years, the International Service Program of the YMCA has been assisting refugees in their transition in this country.

Our main clientele are from Southeast Asian countries—Vietnamese, Cambodians, Laotians. We also service other people such as Ethiopians and Cubans. But, by and large, 80 percent of our clientele is Asian. All of these persons who enter the country are legal refugees and have the right to work in the United States.

Through a contract with the Texas Health and Human Services, the Y is responsible for interviewing and placing people in jobs. The YMCA program has been cited as a model program by many other refugee agencies in the United States not only for helping with education and housing, but especially for finding jobs and helping these people get established in the United States.

The typical jobs that we find are in the retail and service industries. These are jobs such as laborers, store clerks, groundskeepers, maids, janitors, busboys, and cooks. The average beginning salary is something like \$4.00 an hour, with the hope of health insurance, if we can get it. It is expected that in this year we will place somewhere in the neighborhood of 450 to 500 refugees in jobs.

Now, many employers in these industries have as a matter of course required new employees to take a polygraph examination as a condition for employment. Some of the businesses that we have worked with have been national convenience stores, Stop'n' Go stores in Houston, Eckkaerds Drugstores, Palais Royal, various hotels. This really has not been a problem for our clientele as we found that 90 to 95 percent of them have no problem passing the polygraph examination. Oftentimes employers will allow them to bring a translator to help them understand what the examination is all about.

With the passage of the Employee Polygraph Protection Act of 1988, as you know, private employers are no longer permitted to conduct polygraph examinations. In an attempt to find an alternate method for screening new applicants, we have noted that many employers have turned to the use of personality profile examinations, and aptitude examinations, as administered by the Texas Employment Commission.

Now, a review of the typical aptitude test used by employers focuses on a series of questions which are asked with subtle differences. Knowing that some persons are going to try to outsmart the examination, the test is prepared in such a manner as to try to test the individual's sincere belief on such topics as theft.

Let me cite you an example of some of the questions here.

"Stealing is as American as apple pie. Have you ever in your life told a lie? If I were accused of stealing from my boss, I would ask the police to do an investigation."

These are the types of questions they have asked people through those examinations.

Now, remember, these people have come from refugee camps. They have left war-torn areas to come to the United States. They are new immigrants to America.

Unfortunately, due to the personal nature of these examinations, no translators are permitted.

We have found that one employer in Houston, the Four-Leaf Towers, where we have sent 15 applicants, once they have taken the exam, only one or two persons were deemed to score sufficiently high to pass the examination to prove their trustworthiness. This constitutes only a 10 or 15 percent pass rate compared to our previous rate of 90 to 95 percent.

We have encountered the same difficulties with other establishments, such as the Houstonian Estates Condominiums. Subsequently, our program has stopped referring persons to these places that have this type of testing.

These examinations use subtle language distinctions and cultural biases which are very difficult for new immigrants to understand what is being asked.

Another type of test which is gaining increasing acceptance is the General Aptitude Test Battery (GATB) which is administered by the Texas Employment Commission. This is a 3-hour examination which tests a person's logic, reasoning, dexterity, and overall aptitude. There are tests dealing with synonyms and homonyms and antonyms. Many employers are referring their applicants to take these tests, no matter if they just want a portion of the test, instead of the whole examination.

Under the current rules the Texas Employment Commission uses, once the person has taken this test, they normally are not allowed to take the test again because they deem this to be an aptitude test, not a knowledge examination.

Some offices said that maybe we will let a person take it over in 10 years. The official rule is that you cannot take the examination again unless additional education, training, and experience which might affect the aptitude can be shown. Thus, if a person performs poorly on this examination, he is labeled for his entire career as being a person of low aptitude, even though the problems with the

testing may have been based primarily upon his lack of English understanding.

One employer we have worked with in Houston is hiring assembly line workers. And he refers applicants to the Texas Employment Commission for the GATB to be administered. What he is concerned about is manual dexterity to work on the assembly line. But the Texas Employment Commission will not administer just one portion of the test, they have to administer all seven portions of the test. Therefore, even though the other six portions are not relevant, that will always remain with him so that later if he has to take the test again for another person, those scores are stuck with him.

What I want to present to you today is just a growing trend. While the total effect of the discontinuation of the use of the polygraph examination is still to be determined, I would just want to note with concern the growing discrimination which I think is being caused by alternate examinations which are based primarily upon cultural values in the United States and which serve to discriminate against new immigrants.

I know that the Commission is limited in its authority to implement changes. But we feel that the examination should take into account cultural background and English language limitations that people have, or that at least a notice be placed upon the examination so that a reviewer of the scores will know that these scores may have been affected because of the person's recency in coming to the United States.

We also feel that the Texas Employment Commission should make available the General Aptitude Test Battery to a person on an annual basis, or, alternatively, on an annual basis at least until they become a citizen, which is normally 5 years into the future.

And finally, we feel that employers should be permitted to have the individual take just those portions of the examination which are relevant to what he is being tested to do.

I just want to thank the Civil Rights Commission for their interest in hearing the views of the communities throughout the United States.

COMMISSIONER CHAN. Thank you, Mr. Guan.

Now, may I start with Commissioner Ramirez.

COMMISSIONER RAMIREZ. Thank you, Commissioner.

All of the testimony that has been presented is very useful to the Commission. A number of very specific items have surfaced that can be a source of, that can be a trigger for inquiry from the Commission to Federal agencies, and that inquiry can be a very

useful tool because you call the attention of those agencies to the problem that has been presented. Even though they know that we don't have enforcement authority, we do have moral authority.

*And we will make sure that each of the specifics that have been cited result in a letter of inquiry or letter of referral to the appropriate agency.*

There are basically two areas that have surfaced that I would like to know something about. And one of them has to do with the consulting firms.

It seems to me that one of the basic questions is, are those agencies pitting one minority consulting firm against another? Or is it that, I mean are minorities competing for the minority pie, or in fact are then all the other contracts going without question, or is it that there is just unfair treatment at the outset?

Do you understand my question?

MR. LAY-SU. There are several questions. I will try to answer.

COMMISSIONER RAMIREZ. Okay.

MR. LAY-SU. Yes, there is competition among minorities to share--the apple pie is only so big.

COMMISSIONER RAMIREZ. The set-aside pie.

MR. LAY-SU. The set-aside pie.

Yes, there is competition. On the other hand, we don't mind competition. And I think that most of my colleagues will agree with me, we do not mind fair competition.

In fact, when you go one on one against them and you are ranked number one by the selection committee on your technical and qualified abilities, and yet the board turns you down, I think that is unfair.

Unfortunately, the stereotyped Chinese American is the type that is not a go-getter. The question about lawsuits came about. And unfortunately the stereotyped Chinese American would say we will not go that far, in contrast with other minority groups. They will pursue further.

Unfortunately, and I have said this before, we are kind of mellow people and I do not know if it is to our advantage or our disadvantage. However, when this thing occurred, it went through the proper channels; we expressed our grievances. I do not know what kind of a response will happen thereafter. And I can tell you for sure it is not only once. It has happened twice, to the same firm. My firm. Personal experience.

So in answer to your question, yes, we are competing against each other. We do not mind competition. What we do mind is unfair competition.

Unfortunately, of those decision makers who are appointed, Asian Americans do not have any representation. And in my opinion, that is what the problem is.

COMMISSIONER RAMIREZ. There is a recent Supreme Court decision that has very serious implications for this issue. And it is the *Richmond* versus *Crosby* decision, which has to do with the formulation of set-aside programs by local entities.

And I would urge that, as the Commission thinks about this issue, I think we have to think about it vis-a-vis that decision. Because basically the Supreme Court outlawed or rejected the Richmond plan on the basis that it was too broad, that it included minorities that were not, that had not been present in a historical sense in the area. And it is very serious, because it has a direct implication for the kinds of problems that you surface. And I am not a lawyer, so I cannot get into it. But I think it is something that you would want to continue to look at.

What it implies or what it may portend is that the Supreme Court will continue to narrow the application of those issues. And basically the way I understood it is that if you have an area that never had Aleutians, you could not have a set-aside program that served Aleutians. Now, with the immigration and the mobility of Asian populations, they may in fact be excluded in the future.

I am not saying that that is—I do not agree with that; I do not agree with a lot of things the Supreme Court is likely to do in the future. But it is a serious issue.

I want to spend the rest of my allotted time on an issue that Mr. Quan raised. And that is recent immigrant populations, as they arrive here and as they do not arrive with all the resources in terms of employment opportunities. You have cited a practice that I understand completely, and that has serious implications.

Are there other areas, are there other mechanisms by which recent immigrants are denied access to either employment, housing, education, or other government services, by virtue of being linguistically and culturally different, number one, and number two, what happens? How do they survive?

MR. QUAN. I will tell you, it is sad. We try to pride ourselves in Texas on finding jobs for people. As you know, Texas does not give as much money to new settled refugees as other States. There is a phenomenon known as the California draw whereby refugees, once

they give up looking for opportunities in Texas, move to California because they can go on their welfare system a lot easier and draw funds for a longer period of time. This is an evolving problem that I am trying to address. And I think employers are trying to find an answer, too.

In the past, actually, we have seen a prejudice toward Asians, because of the stereotypes, as Mr. Chang mentions. Coolies—they are willing to work hard, and they are honest people. These tests have to be validated. I talked to Dr. Cunningham about it, and I understand that something is being done in that area.

I think that as people can't get benefits, like I said, they then have to turn to the government for more assistance and direct financial aid.

MR. GEE. May I just add a comment in that regard?

COMMISSIONER CHAN. Your name again, please?

MR. GEE. My name is Harry Gee.

I am going to be interested in knowing some of the programs that Dr. Wong has mentioned earlier. But one of the facets of the immigration law is that either you come to the United States with a job offer—and this is for the people who come legally to the United States, and the vast majority of the people who come from Asia have come legally. The numbers that have come illegally and have utilized the amnesty of the legalization program has been nominal.

The vast majority of them have come legally. And in the legal concept you must either have a job offer, you must demonstrate that you are going to be a contribution to this society, or you must have a relationship and you must have either an affidavit of support or a demonstration that you will not become a public charge. That is an exclusionary ground.

Now, where we have a segment of the Asian community, as Mr. Quan has mentioned here, is the refugees who have been able to come short of those particular criteria. And they are the ones who most need the government assistance to assimilate within the framework of the community.

So our populous, fortunately, when they come legally, generally have some network or some fallback so that they will be able to begin to participate within the framework of the community and through that they are able to go ahead and assimilate.

But I think that what is unfortunate is, as we have heard here, moving beyond that particular initial stage is the great problem. In other words, the idea is that hey, this is America and this is a land of equal opportunity to everyone. And I think that is the part of it

that the people are finding as a stymie, or as everybody is saying, the glass ceiling.

COMMISSIONER CHAN. Thank you, Mr. Gee.

DR. CUNNINGHAM. Let me ask you a question, Mr. Quan. I am James Cunningham and I direct research at the Commission.

Have you approached the Equal Employment Opportunity Commission (EEOC) with concerns about the validity of this GATB, the way it is being applied?

MR. QUAN. We have not yet approached them.

DR. CUNNINGHAM. Okay. I would strongly suggest that, because there are guidelines the EEOC has promulgated and they are fairly specific, requiring the validation of tests in employment. I suspect, from the way you have articulated the concern here, that you have a very good case. I think that they should respond. If they do not, please let us know.

MR. QUAN. Thank you.

COMMISSIONER CHAN. Thank you, Dr. Cunningham.

Now, I would like to ask Commissioner Buckley to ask some questions.

COMMISSIONER BUCKLEY. I do not know if it is proper or not to digress at this point. But I think it might be useful for some of the people in the audience to understand a little bit better about what the Commission does, which may not have been explained fully.

We do have an office in Washington, D.C., that has a large portion of staff there. But we also have three regional offices spread throughout the country.

The office that services Texas, the office that would help you, would be the office that is located in Los Angeles. And we have a representative from that Los Angeles office here with us, who is John Dulles. He is responsible for the State of Texas. I don't expect you to swamp him, beat him up at the coffee break. But very seriously and very honestly, there are some questions that you may have that if you call the office collect, Mr. Dulles' responsibility is to answer some of your questions.

We do not have the manpower to handle individual cases, but we very often can give you that time on the phone that will direct you in the right area and help you.

We also are carrying on some projects. One of the projects that we are looking at is a testing project and we will have a conference in June, and Dr. Cunningham is the guy you need to beat up as far as that kind of stuff goes because Dr. Cunningham is directing the researchers that we will be talking to and the consultants that we will use. We are looking for culturally biased tests; we are looking

for tests that are unfair. Whether they have language problems—and it is not only Asian Americans that have language problems; there are Hispanics, there are blacks that have language problems—whether there are other claims of biases that are built into this testing, this is part of what the Commission at this time is trying to assess.

We have probably spread ourselves too thin because we have several projects on the table, several projects in the books that cover. And what has been really exciting for me today is that not only have we been discussing some of the issues of the Asian American community in being here today, but some of your issues intersect with some of the other projects that we are dealing with.

As an example, one of the other projects that we do have, and we started it in Los Angeles in September, is the project on regional forums.<sup>2</sup> Part of what the regional forums have been looking at are the demographic changes in this country that we are experiencing. Your presence in communities, in Texas, California, are part of this change.

Okay. To my question now.

Part of what we are looking at is in order for this country, this nation to survive, in the business community, in the community of the city government, the county government, we are going to have to produce some changes where the cultural diversity of our work force will have to be dealt with.

Now, when we have contractors that are out bidding for contracts with government agencies, when we have engineers and professionals that are trying to go into the managerial fields, have any of you experienced, at this table, have any of you experienced any places where there have been successful programs that have allowed you to progress?

As an example, in Los Angeles, the city of Los Angeles is having after-work classes to help their employees improve on their own skills, and they are providing classes to help those people that are in the work force already move up the ladder.

Your situation may be different, I recognize, for some of the professionals. But there may be some others, like the refugees, who may need these alternative educational programs.

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<sup>2</sup> See *Changing Perspectives on Civil Rights*, forum in Los Angeles, California, U.S. Commission on Civil Rights, 1990.



Have any of you been able to see anything being done as far as the civic or employment community in this area where you have been able to see any kinds of programs like that implemented?

MR. QUAN. The Partnership Training Act has created some programs. Maybe Michael Yuan can talk about that.

MR. YUAN. Recently I was appointed by the Houston City for the Houston Job Training Partnership (JTPA).

The new immigrants need the job training, language, whatever. Houston Job Training Partnership, recently I found out, Houston received the funding from JTPA around \$37 million a year. Even the coming summer project is \$4 million.

I think that like Gordon, he mentioned the refugees, they need training. If they have permanent residence, they are entitled to receive the grant.

COMMISSIONER CHAN. Thank you.

DR. WONG. Commissioner Chan, may I address this? This is Martha Wong speaking again.

With the Institute of Chinese Culture, which is basically a private institution where we teach our different languages and cultural backgrounds, we also had applied for a JTPA fund.

Our goal was to do what we call acculturation for immigrants and for those who want to move up into higher levels of management. We decided that one of the things that was needed was to have classes for our people to move up in their positions.

The biggest problem with that is you have to be socially or economically deprived to get those monies. And so we are caught in the position of the people that we want to help are not going to meet the guidelines for JTPA. So we couldn't meet the guidelines for that.

So as a result of that, the institute is looking at offering courses within the next year to help those Asian Americans who want to move up in what we would call acculturation into American society to learn how to make it, so to speak, in the big corporate world.

So those are some things that the institute is wanting to do.

Another one of our speakers, Jan Chen, has put it upon herself, with a group of other people, to develop, this summer, a youth leadership workshop.

So we are trying very desperately with our own monies to provide opportunities for young people to learn the leadership skills that are necessary. We are providing that with our own money, nothing from the government at all. And then when we do want government help, we can't do it because we don't qualify for the socioeconomic requirements.

So within the community, there are efforts that are going on and we are trying to do something, but it has not come to full fruition yet.

COMMISSIONER CHAN. Thank you, Ms. Wong.

DR. LIAUH. Commissioner, I do have a question. I think I have identified three major issues that we have discussed today, education, contract procurements, and employment discrimination.

In terms of education, I think all of these subjects are very important. But in terms of education, there is always an objective standard. You can look at the SAT score or MCAT or LSAT scores. And contract procurements, that may have some political flavor. If your friend is elected governor or mayor, you have a better chance of procuring contracts.

One important area I think that is very pressing is employment discrimination that is very subjective. There is nothing you can do about it. I think we need to look at this area.

COMMISSIONER CHAN. By the way, at this point we can entertain a couple of people from the audience. Whoever would like to speak, please do.

Please state your name and address so we can put it in the record.

MR. DER BING. William Der Bing.

As Commissioners, I admire you for what you are attempting to do. As panelists, I respect your opinions. And for the audience that are listening to you, I think we are beginning to get the message that we are ourselves responsible for the hole that we find ourselves in.

Let me explain a little bit further.

One of the best things that ever happened to this country I believe is the immigration of the highly talented, highly experienced, and highly educated Asians, who came to this country and the other parts of the world.

But based on—and I will emphasize, this is based on my own personal observations—could it be that we find ourselves in such a deep hole career ladderwise because of the fact that previously most Chinese of years ago would save their money, send it back, and then look one day to go back to China? Unbelievably, some of the present corporations and businesses with old-time thinking still think that is what is going to happen.

So I think some foreign-born citizens, regardless of whether they are naturalized or are born here, let's lump them together, or they could be legal residents, still predominantly—and I use the term "predominantly"—support their quote end quote "mother countries." I think you get my drift.

They demonstrate in the streets. They lobby for foreign governments, using their news media, their publications, some of which are directly against the policy of the United States of America.

Now, could this be a factor in corporate American thinking? Where do these people's loyalties lie?

Let me ask two questions: How many of the foreign born, regardless of what ethnic group, fly the American flag on national holidays?

Now, one thing we have to do. We have to remember where we are, where we make a living, where we go to school, where we enjoy the benefits of, I think, the greatest country in the world.

Perhaps if we remember thoroughly enough, we can overcome these corporate questions as to where our loyalties lie.

You mentioned that you've hit a brick wall promotionwise. Contracts, you mentioned you did not get them. The reason for this I think is most of us can be easily identified as Chinese. Commissioners, except for you, you would not know whether we were born in this country or born in a foreign country. Okay? We all look alike.

The problem is this. At the workplace, we have a tendency to congregate and mingle among our like kind. Asians will be with Asians. After work, they don't know the social graces, but they congregate at each other's houses, and not with anybody from their work force who happens to be Caucasian. Very few of us do, if any at all.

So I think what we have to learn to do is one: learn how to use the English language, because you cannot communicate your thoughts, your ideas, your aspirations, unless you speak clearly. We have had publications in this country, Asian American publications, with so many grammatical errors that when you submit a proposal, I would throw it away. If you can't understand the language usage in your proposals, then how do you expect the people receiving your proposals to evaluate them?

So, may I make a suggestion? First of all, go down to Chinatown and look on top of the roof, and see what kind of a flag they are flying. It is a foreign flag. I have nothing against that, as long as you put an American flag, which is not there, next to it.

I have said this many, many times. If we want to progress, we better learn to be American citizens and we better learn our responsibilities.

I hope that answers some questions as to why we are not getting the contracts and why we are not advancing.

COMMISSIONER CHAN. Thank you very much.

Does anyone else in the audience want to express himself?  
Please come forward.

Please state your name and address.

Statement of K.L. Sindwani

DR. SINDWANI. My name is Dr. K.L. Sindwani. I am a professor of sociology. At the same time I also publish a community paper called *Indo-American News*.

I think you have done a marvelous job this morning. But what I have heard, being a professor of sociology, what has been said about these tests is very true. We talk about the same problems when we teach about culturally biased tests. And this should be looked into very seriously by Dr. Cunningham as he is doing, because these tests are very, very culturally biased, particularly for immigrants, because of the language barrier and the subtleties and interpretations and all that.

On the other hand, we also have discrimination in the jobs, again mostly covert—and not overt. And communication is the big thing. And I believe, with the last speaker, that it is our job to improve our communication skills.

Now, of course, you may not get rid of your accent. I have been here 30 years. I am a naturalized citizen now. But I still have an Indian accent. I can't get rid of it. But still, I can improve. And this is why we have courses now, private courses where there are programs on how you can improve your accent. So it is also our responsibility to do something to improve our communication skills.

And I think what the previous gentleman said, that we tend to meet socially after work with our own people—Asian, Indian, Pakistani and this—that is also not very good if we want to go up. If you want to assimilate, if you want to improve, you have to have a social life also, not only at work.

These are some of the things that I think would be very helpful for us to take into consideration.

COMMISSIONER CHAN. Thank you.

I saw another hand raising up. Please come forward. We have a couple minutes.

MRS. DER BING. I am the better half of William Der Bing.

I want to answer the question raised by Robert Lay-Su.

I am a former United States contracting officer. And by similar coincidence, I was also the contracting officer and a selection official for the architectural engineering contract for NASA here at Johnson Space Center.

Now that I am retired, I can say what actually happened in certain instances. And I want to coach Robert Lay-Su that the Chinese Asian Americans, as a minority group, are laid-back persons.

I know for a fact that we have another minority group that was awarded a contract based on minority set aside. It was one of those multidiscipline contracts which can go for years and years and is a good contract, but he was not my first choice. In fact, he was my last choice. But he was so persistent, so aggressive, so assertive. He got the contract over my objection and many other objections because he went to the top. He even went to Washington, D.C.

Now, I am not advising you to do that. But the Asian Americans, especially the Chinese, need to be more aggressive, need to be assertive. If they know they can do the job, just don't say, "Hey, I am not selected, I am not going to go any further." Go further. There may be a pot at the end of the rainbow.

COMMISSIONER CHAN. Thank you. I think Mr. Jenkins has something to say.

ACTING STAFF DIRECTOR JENKINS. My question really dovetails on that particular response.

My question deals with the 8(a) set-aside contract provisions.

You talk about the problems that you have had in dealing with the Metro system. What about in dealing with the Federal system, becoming certified by the Small Business Administration for 8(a) set-aside contracts?

MR. LAY-SU. At the Federal level—due to the fact that the Federal level is a lot larger, we have had firms in our association that have been granted contracts, I myself being one of them, by the Department of Defense. Due to the fact that the Federal Government is so large and they have to obey so many rules and regulations, I do not think that this unfair gain that I am talking about occurs at that level. I may be wrong. However, in my opinion, I think that due to the fact that it is so large and they have to abide by so many rules and regulations, I think that at the Federal level these occurrences do not happen.

I am trying to stress this at the local level. If you look at the statistics from most of the local agencies here in town, concerning the awards and so on, you look at the black firms, Hispanic firms and Chinese American firms, it is obvious. You do not even have to count. It is just obvious.

Unfortunately, I do not know what the answer is. Perhaps we need to get more involved. I do not know.

In answer to another question: the first time, you are laid back; the second time, you go through the proper channels; and I think that if it happens a third time, we will follow Mrs. Der Bing's advice.

COMMISSIONER BUCKLEY. May I ask one more question?

COMMISSIONER CHAN. Sure.

COMMISSIONER BUCKLEY. Sometime back, I think it was March 1984 or 1985, I am not quite sure, we had affirmative action hearings. And at that time, we heard testimony from some of the minority and the smaller contractors.

They said that when they come out to bid on jobs, very frequently they would be asked, and I really don't remember some of the terminology, but it was like they have to have had experience in say asphalt contracting or something, that was a little bit more specialized than what they had been able to do before. Using those specialization categories was the mechanism that was used to rule them out.

Do you find that in your looking for contracts that they were putting specifications such as you will have experience in something that if you are a small firm there is no way you can have that? Do you find a practice such as that being done as far as contracting, with some of the people you deal with?

MR. LAY-SU. Well, the Federal forms on which we submit our qualifications are very specific as to what your expertise is. And I do not think that there is anything wrong with that, because the best man should be given the job.

If you are a cardiologist and you have done so many transplants and so on and so forth, then based on your expertise and qualifications I think that it is fair for that person to obtain the project. I do not think that is the issue here.

I think the issue we are trying to convey here is that after you have proven to the selection committee in writing and oral presentation, and you are selected number one, and yet because of politics or other reasons, the actual persons or committee or board of directors making the final decision rules it out and awards it to somebody else. This is what we are getting after. It is like the glass ceiling that we are talking about at the employment level applied to self-employed people. That is the message that we are trying to convey.

COMMISSIONER RAMIREZ. If you had acquired that specialized expertise as a result of preferential treatment from the government—if your competitor had acquired that specialized capacity as a result of a history of having been granted the opportunity which you were not granted, to perform, by the government which is

spending the money that belongs to all of the people—would you consider that highly discrete specialization to be fair?

MR. LAY-SU. I am not very sure that I understand your question very well.

COMMISSIONER RAMIREZ. Well, you said you do not mind the highly specific requirements. But if your competitor had acquired that highly specific capacity building on a history of preferential treatment by the government in granting him contracts, he had become an expert on that basis, would you consider that highly specific requirement to still be fair?

MR. LAY-SU. It would be unfair, because it was obtained through preferential treatment.

COMMISSIONER RAMIREZ. Then, don't you think that is exactly why we have set-asides?

MR. LAY-SU. Oh, I have nothing against set-asides. However, we are trying to compare apples to apples over here. That is an independent case.

But if we are comparing apples to apples, in which you have these firms competing for these particular projects, and supposedly everybody is competing on a fair basis, I don't see anything wrong with that.

DR. LOH. Excuse me. I guess you are mentioning the other 90 percent that we are not talking about. That 90 percent, to my understanding—I am not a contractor—should be fair competition; is that right? Is that what you are trying to address? Not the 10 percent set-asides?

MR. LAY-SU. Correct. That is correct.

MR. WILLY. I had a question.

COMMISSIONER CHAN. Okay. Go ahead.

MR. WILLY. George Willy. From what you are telling us here, it seems to me that the refusal or rejecting of your proposal or your bid, that even to this day you do not have any idea as to why it was rejected.

Is that correct?

MR. LAY-SU. I do have an idea, because I went to the debriefing process. An unofficial—well, it is verbal. I do not have it in writing. But verbally, I was told.

MR. WILLY. But can you not force them to give you a specific reason as to why it was turned down? Because you seem to say it was political. But were you not given a written, specific reason for turning down your bid?

MR. LAY-SU. This is what happens a lot of times. And this is another issue: they will not tell you specifically what the reason is.

All they tell you is that these three firms, which in fact were ranked—all three are qualified. You are reassured that yes, indeed, you were the number one firm. However, because of a reason that was not in the cards. . . .

In other words, when you go in and propose a project, they give you a certain set of rules. As Commissioner Buckley was saying, you have to have expertise in area number 1, 2, 3, and so on. And it is published. It is advertised. So you team up, because you cannot do it alone. You have to team up with other firms; and as a team effort you apply for these particular projects in order to meet each of those qualifications. Those are the rules. Based on those rules, you are ranked number one. Those are the advertised rules.

When I went to the debriefing, they told me a reason which was not in the rules. And that reason was that that particular project was in a particular neighborhood with a certain ethnic background. The firm to be awarded the contract had to have somebody on his team with that particular ethnic background. And this falls into the discrimination area.

My answer to them was, excuse me: the law—and I am not an attorney—the law, in my opinion, the discrimination law says, based on race, sex, and so on and so forth. It does not say that you are supposed to be an American, black, Hispanic, or whatever. The law says minority, period. It does not distinguish which race you are.

And I left it that way, because that is the kind of people we are.

COMMISSIONER CHAN. Okay. All right. You have 30 seconds.

DR. LOH. 30 seconds. I would like to comment on Mr. Der Bing's suggestion that Asian Americans should be a little bit more American.

Please do not forget the fact that say, in World War II, the Japanese were put in camps. They were willing to fight the war. They were put in camps. And also I don't know, maybe some of you are aware that in the latter part of the War, the Japanese, these people that were put in camps, have made a tremendous, significant contribution to the victory in Japan, in all those wars that you hear about, Iwo Jima and all those.

These were erased initially from the history books. It was only recently publicized.

So the fact of the matter is that the proof is in the pudding, that we have not gotten fair treatment from the people that have the power to give us that fair treatment.

Yes, we have to be more American. And I think I would go and fight in China for America if I am asked to. But if I am not given



the opportunity to lead somebody to battle, how am I supposed to prove that I am an American?

Now, that, I think is a good point we ought to think about: how should we get the opportunity?

## **Session IV: Employment Issues and Enforcement**

COMMISSIONER CHAN. Ladies and gentlemen, the fourth session of the Commission on Civil Rights Roundtable Conference is in order.

The first person on our agenda is Dr. Albert Wang. Dr. Wang.

### **Career Development and Obstacles of Highly Educated Asian Americans: Recommendations for Further Research and Policy Statement of Albert T. Wang**

DR. WANG. Mr. Chairman, I am Albert Wang. I am an officer and an active member of several Asian organizations, including the Association of American-Chinese Professionals, Chinese American Petroleum Association and American-Chinese Computer Association. So far, I have only listed my Asian-connected activities. I am also an organizer of two international conferences sponsored by the American Society of Mechanical Engineers. I would like to take this opportunity to thank the Civil Rights Commission for coming to Houston to investigate the current status of Asian civil rights.

Today I am going to focus on the career development and obstacles of highly educated Asian Americans.

Many recent studies indicate that Asian Americans, due to their special emphasis on good education, will represent a significant portion of upcoming professionals in the 1990s and the 2000s. Therefore, it is very important for this country and for this Commission in particular to make sure this group of talented, dedicated, and hard working Americans be able to contribute to their highest potential and receive their fair share of rewards.

A recent report issued by the Commission, in my opinion, contains two very, very important findings:

Number one. The earnings of Asian Americans relative to non-Hispanic whites declines with the level of schooling.

Number two. The chance of Asian Americans to enter management is much smaller than for non-Hispanic whites.

In my frequent contact with hundreds of American engineers and scientists of Asian descent, I can confirm the accuracy of these results. For unknown reasons, however, some people suspect that Asian Americans may not be interested in management positions. I can state here, without any doubt in my mind, that Asian Americans have as strong an interest and as strong a desire to be managers as any other racial group would have.

Mr. Chairman, and honorable members of the Civil Rights Commission, the recent statistics issued by the Commission are not just numbers. They symbolize the agony and frustration of thousands of hard-working Americans who happen to be of Asian descent. Therefore, I strongly recommend that your Commission include the career obstacles of highly educated Asian Americans in your agenda for the 1990s. I recommend your Commission initiate studies to better define the problem areas and provide suggestions and advice to business and Asian communities. I would recommend your Commission take the following actions:

Number one. Conduct qualitative and quantitative studies on the careers of highly educated Asian Americans relative to those of non-Hispanic whites to assess the severity of the problem and to identify possible solutions. Case studies on the careers of the graduates of certain professional schools, and the employees of certain companies would be useful. Additional statistical analysis based on census data, such as published by your Commission recently, should also be useful.

Number two. Provide constructive suggestions to the business and Asian communities as to how to remove the obstacles that are blocking the careers of highly educated Asians. As Commissioner Buckley mentioned a while ago, many companies have foreseen the upcoming changes in the labor market and have started to reexamine their recruiting and promotion policies. A number of successful stories have been reported in popular newspapers and magazines such as the *Wall Street Journal* and *Industry Week*. It might be worthwhile for your Commission to objectively study the situation and draw conclusions from these efforts of corporate America and provide suggestions to business and Asian communities.

Number three. I recommend that the Commission provide a quantitative method for employers to measure their own employment conditions. This is one area I have to carefully explain what I mean. It was pointed out very accurately in the report by the Commission that large statistical differences between racial groups could suggest discrimination. Indeed, in several recent rulings by the Supreme Court, statistical evidence was used to discuss existence of discrimination.

Unfortunately, most personnel departments in corporate America are not equipped to understand what is statistically significant and what is not. In order to reduce the number of nonproductive legal litigations and to help individual companies to monitor their employment conditions, it might be useful for the Commission to

prepare a document to discuss the importance of collecting employment data—many of them may not even have that—and to discuss the relevance of these statistics. As a professional mathematician who has been on the faculty of two prominent universities for 4 years, I am willing to provide my free service to consult with the Commission if you see a need for my help in this and other areas that are related to statistics.

COMMISSIONER CHAN. Thank you, Dr. Wang.

Next on the list is Dr. Rong-Tai Ho. Dr. Ho.

### **Actions to Remove Obstacles Asians Face in Career Advancement Statement of Rong-Tai Ho**

DR. HO. Commissioners, ladies and gentlemen, my name is Rong Ho.

First, I would like to thank the Commission for providing this opportunity. As a concerned citizen I am here to present my personal opinion for the benefit of Asian Americans. Most of my comments have been mentioned by earlier speakers. But I would like to reinforce their importance to all Asian groups.

During the next few minutes, I would like to focus our attention on actions to remove obstacles Asians face in career advancement, particularly for the highly educated Asians with college degrees or higher.

In the Commission's report entitled *The Economic Status of Americans of Asian Descent*, two of the key findings indicate some evidence of anti-Asian labor market discrimination. First. Highly educated American-born Asian men were found to earn less than their white counterparts. Second. American-born Asian men are less likely to be managers than whites with equal skills and characteristics. This report further concluded, and I quote: "These findings raise the possibility that men in all Asian groups face labor market discrimination at the top."

This comparison is only for American-born Asian men who do not have any disadvantage in communication skills. A direct comparison between foreign-born Asian men and American-born white counterparts will be even worse.

To derive these findings is only the first significant step. It is a good beginning. But there are more follow-up actions needed. In my opinion, it is even more important to find out what do these findings mean, what are the major causes and obstacles, and what action can be taken to remove these obstacles?

Highly educated Asians constitute a large percentage of the total highly skilled work force in the U.S. However, as many previous speakers mentioned, there are very few Asians in corporate management positions.

Now, many of us may ask why. And that is the key question that we would like to find out.

As mentioned by a couple of previous speakers, Asians are generally perceived as being deficient in communication skills, lacking managerial ability, or unwilling to take more responsibilities—I personally disagree with all these perceptions.

Just look at the economic miracles achieved by Japan, Korea, Taiwan and many other Asian countries. Asians must have all the necessary technical and managerial expertise to achieve these miracles.

As we all know, the United States is facing huge trade deficits and experiencing a continuous decline of technical competitiveness against other industrial nations like Japan, Korea, and Taiwan. This country needs to utilize all human resources to their utmost potential. Since there is a large pool of highly educated Asian Americans, it would be most beneficial to the country as a whole if it can harness the technical and managerial expertise of all Asian groups.

This afternoon, I would like to provide three ideas for the Commission to consider.

Number one. Conduct more nationwide surveys to collect more specific data. As indicated in the Commission's report, there are many topics that require further research, and better data need to be collected. These data can be collected from major corporations and universities and by your local offices in major cities. Special task forces with Asian participants should be set up to conduct these surveys. The surveys will help to identify the major causes behind those key findings in the Commission's report, to explain their meanings and their impacts, and to recommend specific actions to remove the obstacles Asian Americans face in career advancement.

Second. Disseminate the findings to the business world and take followup actions to improve and obtain equal opportunities for the Asian group. In the interest of the whole country, the Commission should take an active role to disseminate the findings and to educate the general public, particularly the major corporations. There are many different ways to achieve this goal. For example, call round table conferences just like this one with major corporations.

And last. We need to promote better representation of Asian Americans in the Federal Government. Since the Federal Government is responsible for setting up national policies, we, the Asian group, need to have proper representation to voice our opinions and to enhance our equal opportunity. We need more representatives like Commissioner Chan in other parts of the Government. There are so many highly educated Asians, and I am sure many of them are well qualified to perform the required duties.

I thank you for the opportunity.

COMMISSIONER CHAN. Thank you, Dr. Ho.

Third on the list is Dr. Harb S. Hayre.

## **Career and Salary Discrimination During Early and Late Years and EEOC Effectiveness**

### **Statement of Harb S. Hayre**

DR. HAYRE. I thought I would answer a couple of questions raised by Commissioner Ramirez, first.

First it was asked—I don't have the exact question, but I thought this might be of interest—that the State of Georgia imported German mathematics teachers, when there are in this country literally tens of thousands of professional people who were either prematurely laid off or are underutilized, and they happen to be engineers, and many of them happen to be Asian.

I wrote a letter to the Commissioner of Immigration and I got a courteous, straightforward reply that they have gone through standard procedures; they met all the requirements.

That is a direct sign of discrimination. This is not only discrimination, it is absolutely sad on the part of the U.S. Government to not utilize people who are sitting here unemployed and to bring in others from outside on some pretext. Asians are excellent math teachers. You do not need to have the best communication skills when you teach mathematics. In fact, Asians are better at teaching mathematics than most people who can speak English, and definitely better than German teachers, who would have comparable English skills as Asian Americans.

Second. There was a question asked about a legal action mentioned by two or three of you. Somebody else is speaking about EEOC, but I must say the following.

EEOC, for the last 8 years, has been an ineffective agency. Not only ineffective, it has been dormant. I had talks with some Regional Directors, and understand that the administration passed the word down from the top to "cool it."

The Commission must do a study as to how many cases of ethnic or nationality discrimination were sent to EEOC, and how many were prosecuted. It is a fact that the prosecution level went from 300 a year, or something like that, to maybe 30 per year during 1980-88. But the question is, how many were Asian cases? And you might find that they went down by 100, maybe 200. This is not only against the law, this is contrary to even the basic intent of the law. It is un-American and unethical to intentionally not prosecute cases filed with EEOC.

So we have a major problem in the so-called legal enforcement of our civil rights. No wonder a lot of Asian Americans do not go to the EEOC. What would one do? When the EEOC would not even investigate complaints for over 2 years, or have its investigators sit on their hands and be ignorant of facts.

Now, civil rights justice is even further weakened. The Age Discrimination Act required that when a person is laid off prematurely, age-wise, that there must be a person from the Department of Labor to certify that that person was agreeing to be laid off at age 52. This affects many Asians as well.

The EEOC, which is an administrative part of the Government, in the last 8 years, set up a regulation waiving that requirement. Mind you, on one side we have a law on the books; on the other side there is a Federal agency that sets up a regulation negating it. And many Congressmen didn't know anything about it. I had to walk the hallways of the Congress in Washington for the last 2 years with others to make sure that that administrative ruling was nullified in December 1988. And then on top of all this mess, this Court of Appeals simply ruled in most cases that when an employee has signed a piece of paper agreeing to be prematurely relieved, he no longer has a case.

Third. There were complaints about various employers, and their hiring practices. I am conversant with the Federal Government's functioning. There are two types of jobs. They are classified and nonclassified, or unclassified.

The people who work in classified jobs require security clearance. All Asian immigrants come in on a green card basis. They have to wait 3 to 5 years to get citizenship.

You take these people with higher education in engineering, or math and/or computer science, and you walk them up to personnel offices of NASA and DOD contractors, and subcontractors. Those personnel offices will tell you. "Sorry, you have to be a U.S. citizen." And yet they are not doing any classified work.

This became a major problem during the last administration, for 8 years, Asian American professionals were left out of normal professional jobs where they would have been usually employed, if it was not for the administration's preoccupation with secrecy at every level of operation.

This is again contrary to the national laws. You cannot require citizenship when it is not a classified job. It is strictly what I call ethnic and racial discrimination. Unless something is done in the form of a recommendation from the Commission in the way of written clarification, you will expect no relief in this area.

I have already said earlier that it is perhaps penny wise and pound foolish for us as a nation not to utilize the manpower sitting here in the good old U.S. and make all kinds of excuses to import others from outside. It is a question of appropriate utilization of our people. We need to make certain that this gold mine of brains is utilized, and our stance on inventiveness and competitiveness and international leadership is enhanced. How do you do this? You utilize these talents you have at home. Utilize the mathematicians, the engineers, the scientists, and the professionals.

In this room, I would challenge if any one, in fact all of these people don't fall in that category. And I can tell, some sad stories of how some of these people are utilized in the workplace. Since my last name is spelled H-a-y-r-e, and it is pronounced as "hair," most people, when they talk to me, do not associate my name with my being an Asian. So I can hear a lot of stories on the telephone from VPs and directors and managers that most others may not be privy to. I also serve on many national committees and boards of directors. This is not only in Houston; this is all over the country.

So what happens? Unless you utilize the professionals in an appropriate fashion, you are undercutting the national productivity, effectiveness, profitability. . . all those buzzwords.

What do we do? We hire them. Yes, your report said very beautifully, Asians start at higher salaries. But that is true only of two segments. Let me first talk about the classification.

There is a great deal of misunderstanding nationally as to what is a foreigner. As somebody said earlier, there are basically four varieties. One is a person who has just come into this country on an immigrant visa, has a green card. He or she is legally entitled to everything except to vote. Second is the student who is here on a student visa and upon graduation may be enticed to become a permanent resident by a company offering a certain low salary bracket. Third category is a long-time resident immigrant who may or may not be a citizen. Fourth is a permanent resident who was



born here or who came here as a kid and graduates from the American school system.

Those who graduate from our colleges and universities—and I have taught and worked in the industry—they do not have a starting salary problem. They do have a salary problem during late forties and early fifties.

Second, the long-time residents start low, start 20 to 30 percent below the national average. They stay low in their middle years, late thirties. They may become normal in midthirties. But now comes the era of so-called "old age." Our industry is again foolish in treating our work force population as toys to be discarded anytime; and this practice is worst among industrialized nations of the world. We let people go at 45, 52, 58. Then these people fall in that category. Their salaries are frozen in their forties and thereafter.

The student immigrants, of course, are lucky to get a job because many are looking for a green card. They will accept any salary. And they come up to normal salary level very fast, because they are very sharp and excellent. In fact, they become the top producers in companies. You need to look at the design engineers, the managers, and the research project guys. They read like *Who's Who* from China, Asia, India, and so forth. But, they also face the same music in the late forties. You suck their juice in the productive years and then you discard them in the later years. I have studies to show you from the National Science Foundation and the Institute of Electronic Engineers that show that the sad story begins after 40.

The ones who came recently, they have all other kinds of problems. Now, during the late forties or early fifties, there comes the era of "golden handshakes." We start discarding them. So what happens? We call the guy in and we say, we will give you a 2-month salary or a 6-month salary check; you resign. You can have health benefits for 2 months or 6 years or whatever the case may be.

The guy has no choice. He or she either signs on the line or is fired the next week. I told you earlier a story about the EEOC.

So these people are brought to the top of the list. Asians are the first to go. Why? They were good enough to produce the research and the profits for their employers when they were young; but now they are 52, all those excuses that they can't speak the language. Do you get the picture? As you get older, the language ability must go down (according to these employers).

These are the same people who were given raises the year before. But now, they are not needed. Anglos are given preferential treatment. This is absolutely true. You can look at any study made in the country.

Now, closing the story, we have another problem. In the last 6 years of corporate takeovers, we have what we call restructuring takeovers. Somebody smart enough makes \$100 million in a typical hostile takeover bid and now they restructure the company. What that means is, they let people go. Unfortunately, again, America is blind to the future. We lay off the best brains, because they are expensive. That is what the accountants think, since the country (corporations) is run by accountants, and attorneys.

So, they dismiss the guys who are the top researchers and designers, for the last 20 years. And again, who are these guys? A majority are Asians. The top computer guys, the top engineering folks, the top biomedical engineers.

Let me not take any more time, and give you nine recommendations which I think should be—must be considered—by the Commission.

First of all. The Commission should require that the EEOC submit in writing details of the list of complaints, and identify them by Asians, and the action taken.

Number two, EEOC and its member appointments should be taken out of the Presidential appointment cycle and instead appointed by the Congress only, and they also should report to the Congress.

Third. Employers should be asked to provide separate data by category of Asian, Hispanic, black Americans, et cetera, on new hires, percent of employees, levels of professionals, subprofessionals, nonprofessionals, and management. The same data should be provided for layoffs. Employers should also provide the salary distribution curves for each ethnic group. (They will have one person paid at the highest level and 99 paid at the lower levels.)

Four. Colleges and universities must provide salary data by rank and age, as well as for minority status Asians, blacks and women in faculty, so that the Commission will learn as to where the USA is heading in terms of civil rights compliance. The current reports from these institutions, do not detail the story of injustice and racial discrimination.

Number five. I have previously stated that student financial assistance programs such as loans and Pell Grant need to be streamlined and their selection criteria computer-administered, not

left to these bureaucrats to discriminate on the basis of applicants' names such as Chang or Deng or Hayre.

Six. DOL must be required to obtain from the corporations layoff reports by national origin and age and numbers on a yearly basis.

Number seven. Federal agencies must be required to provide details on the recipients of 10 percent set-aside contracts for minorities by classification of minorities, in order to insure that all minorities are being fairly treated.

Number eight. DOD and NASA must be required to issue a written policy clarification about citizenship and permanent residency requirements for all jobs requirements—Federal and contractor—so that contractors and subcontractor do not impose their own local discriminatory hiring policies.

Finally, the Indo-Americans, it is rumored, may be moved from the list of minorities. I sincerely hope the Commission will look into that before any such administrative action is consummated.

COMMISSIONER CHAN. Thank you very much. Next on my list is Mr. George Willy.

## **EEOC—The Legal Aspects**

### **Statement of George R. Willy, Esquire**

MR. WILLY. Thank you Commissioner.

First of all, I want to say that it is indeed a great privilege to address the Commission, the Commissioners, and the staff that have come down here to listen to us.

I am George Willy. I am a practicing attorney. I do civil rights work. I am also the secretary for the Asian American Bar Association.

But I think my claim for being here is that I am a human being, and that I have in this country, I assume that I have some civil rights. And for that assumption, especially in this atmosphere of a lot of griping, I want to give credit where the credit is due. We would not be having a meeting like this, a roundtable conference like this if people like Chief Justice Earl Warren, President Kennedy, President Johnson, the great Western European writers of John Locke, Rousseau, Jeremy Bentham, John Stuart Mill, did not write and create the liberal philosophy—with apologies to the Republicans. So therefore, it is in that context, and with due respect to all of these great Caucasians who thought of this and gave us this possibility of immigrants who have come here, that we could sit around and complain and shout and scream.

Within that context, I want what I have to say heard.

Before I get to my presentation, I also want to tell the Commissioners that the South Asian representation here, people from the subcontinent, Indian subcontinent, consists of two of us on the panel. And I can assure you that this is not because we are not interested in this issue. The way things worked out, only the two of us happen to be on the panel. And since we do not have a person from the Indian subcontinent on the Commission, Commissioner Chan, you have the responsibility to make sure that the Asian continent is painted not only yellow, but brown as well.

It is my intention today to take on EEOC. And Dr. Hayre has very eloquently described some of the problems and has gone into some specifics. I am a lawyer and a philosopher. So I leave details out.

Basically, my problem and what I want the Commission to realize, is that when a person complains of discrimination, it is different from someone who has broken an arm. He can go to the doctor, and the doctor can say, "Here, this is the problem."

A merchant who has lost money because of a breached contract has papers, invoices, and notes that he can carry to the courthouse and prove his damages.

However, to prove that a man who has been discriminated against for no other reason than, he came from China, India, Pakistan, or wherever, that he has been denied employment, has been fired, has been denied promotion, has been denied overtime—proving that is difficult. A broken ego, an aching heart, the dislocated self-esteem, is a difficult matter to demonstrate. It is difficult even in a court of law, because employers do not write memos that say: "We fired this man because he was Asian." They do not write notes about their prejudices that influence them. They do not document their biases. They always have excuses. They always have other reasons for treating the Asians or any other ethnic groups the way they do. Proving a case of discrimination is a tremendous task.

And finally, when it gets to court, you are facing a Caucasian judge, usually. He does not understand what this complaint of discrimination is all about, because he has not experienced it.

The party that is charged with discrimination is oftentimes a large corporation. The large corporations immediately hire large law firms to protect their interests. And lawyers on the other side prepare the corporation for their defenses even at the EEOC level.

In so doing, they are ahead of the game. Intimidation of the EEOC by the law firms often compromises their function. The charging party relies solely on the EEOC to investigate their case,

to present their case, often without the assistance of an attorney. This unequal confrontation results in a confused, incomplete and often unfair investigation. Add to that problem personnel at the local levels, at the threshold level, who are unaware of the cases and the legal advances that are being made in the courtrooms around the country.

Let me give you a specific example. A charging sheet with EEOC lists several grounds for discrimination: race, religion, national origin, retaliation, and so forth. The moment a non-black makes a charge, the EEOC will automatically mark only national origin, no matter what details of the investigator, they will mark national origin.

That charging sheet is extremely important when the matter goes to court, because courts have held that when you obtain a right to sue you are limited to the charge you make at the EEOC, because the district court is in fact reviewing, in a quasi-appellate posture, what the EEOC has determined.

The EEOC personnel, as far as I know, at least in the Houston area where my experience has been, are not aware that in 1987 the U.S. Supreme Court decided a landmark case styled *Al-Khazraji versus St. Francis College* on May 18, 1987, in which, the Court said that non-blacks who belong to an identifiable ethnic group have the right, which was denied to them previously, to bring a suit under the 1869 statutes relating to civil rights, popularly known as Sections 1981, 1982, and 1983-86.

These statutes were passed immediately after the Civil War, during Reconstruction, and allowed people who were being discriminated against to file suit, have jury available, and pray for punitive damages. Therefore, it is important that whenever possible lawyers bring a Title VII action joining or combining the old civil rights law remedies to the Title VII action.

But the old civil rights law does not recognize national origin as one of the bases. If the investigating officer of the EEOC does not recognize the race, color, or religion at the initial interview, the charging party is precluded from bringing a 1981 action. This could be an enormous loss—loss of a jury, loss of punitive damages and a host of other remedies.

My recommendation would be to treat the EEOC complaint just like we deal with unemployment claims. In a Texas Employment Commission complaint, you file your claim; if it is denied, shortly thereafter you have an opportunity for a hearing. It is telephonic sometimes, or you can actually go into the office. And in a fairly

adversarial situation, an arbitrator, who has some knowledge of the law involved, can at least make a preliminary, *prima facie* determination of whether there has been some discrimination, without leaving it to a harassed, underpaid EEOC employee.

And that is something that I would like the Commission to carry to Washington and advise them, that the format be changed, at least at the initial level, even within the administrative level, that an adversarial proceeding be initiated and from thereon we can proceed to court.

My second point concerns the question of *Runyan* versus *McCary*, the 1976 case that is up for review by the U.S. Supreme Court. My recommendation is that an amicus brief be filed with the U.S. Supreme Court to let that decision stand and to oppose in every possible way the overturning of that decision.

I want to take this opportunity again to thank the Commission for taking the time to listen to us, and we hope that you will take our recommendations up there and soon we will see some results from what we have told you.

COMMISSIONER CHAN. Thank you, Mr. Willy.

We have one last presenter, Mr. Mark Chang.

### **Promotion Opportunities Statement of Mark Chang**

MR. MARK CHANG. Commissioners, panelists, ladies, and gentlemen. I would also like to thank you for the opportunity to speak out.

My name is Mark Chang. I am the president of the Chinese American Petroleum Association. I am also serving on the board of the Evergreen Chinese School.

Although I am not here today to speak officially for our association or the Chinese school, I am sure the absolute majority of our 200 professional members share my frustration, and would like to have the opportunity to convey our message to the Commission.

I want to stress just one of the issues that other panelists have already mentioned today. The issue has to do with promotion opportunities.

At this moment I do not have the statistics on paper to show how many Asian Americans in their professions are in managerial or in supervisory positions. However, to find out the real picture, we do not have to look any further than the members of our association.

Of nearly 200 members of our Chinese American Petroleum Association, only one is in a managerial position, and maybe a

handful are in supervisory positions. The vast majority of them are like me, so-called loyal and hardworking employees.

It is interesting to note that many of them were so frustrated by the situation, they quit their job, started their own businesses, showed masterful managerial skills along the way, and have become very successful in their own businesses.

It has been proven again and again that, in general, Asian Americans receive excellent education, show great work ethics, and by and large are masterful in their own professional domain.

Then, how and why are they so underrepresented in the higher ranks of their own professions?

One of the favorite excuses we often hear goes like this: Asian Americans do not speak good English, they do not possess the necessary communication skills. We can argue about how true this statement actually is. But it is a fact that becomes more and more worrisome as more and more second generation Asian Americans begin to join the professional work force. The majority of them not only possess all the merits their parents have, they also speak and write perfect English, oftentimes better than their racial majority counterparts. Yet, they still are underrepresented in the higher ranks of their own profession. It seems that the problem goes much beyond just the language or the communication barrier.

I want to pledge here today to the Commission that it is our goal and it is your job to ensure that our Asian Americans' constitutional rights are not undermined. We ask for the opportunity, as Dr. King once put it, to be judged by our merits rather than the color of our skin.

COMMISSIONER CHAN. Thank you, Mr. Chang.

At this moment, I would like to ask the panelists for closing remarks.

Ms. Wong, you are the first.

DR. WONG. Thank you, Commissioner Chan. It has been a delightful day. And again, we do appreciate your coming.

In conclusion, I would like to say that the report that was sent to us by the Civil Rights Commission stated on page 1: "Today, Asian Americans are entitled to the full panoply of civil rights protections afforded to all Americans. Asian Americans are also a protected minority and participate in affirmative action programs."

We want to believe that, very much so. We want to believe that statement. Because our culture has taught us and has stressed the importance of education and hard work, and, I also believe, loyalty, these values that we have been taught through our culture have provided us great economic success.

We have worked so hard to make sure that our families have been fed, that we have an education, and taken care of ourselves, that our success has now caused us to be victims of what we now call "the model minority," and by being a model minority we are also a minority of convenience. That is, we are a minority when it is convenient to be called a minority. I think that is quite evident today that the rules are changed. Day by day, decision by decision, depending upon the situation for that particular organization or that particular institution.

I urge that the recommendations that have been made today be carried out. I agree with Mr. Hayre's recommendations and those of others.

I think one of the major things that we need to look at is whether or not we are really considered a minority. I know that when we take count in the public institutions, and being a school principal, I was required as that principal to take the minority count, or take the count of the students. In taking the count of the students, we were classifying students as Asian-pacific minorities. But when it came time to make decisions, they were not considered, or we were not considered a minority. But in the count to the Federal Government it was sent in as a minority. Somewhere we need to have that defined.

We have said over and over today, we do not care what the rules are. Just tell us what they are, and be consistent. Because we feel that if you are consistent in the rules and in applying them, that is all that we ask for, so that we can have what we would consider fair competition. We do not want to be a minority at the convenience of an organization.

We feel that we have many skills to give to this nation. I daresay that everyone in this room would be willing to stand up and pledge their allegiance to this country, and that we are willing to help this country to move forward.

I would like to conclude with a statement that was written by Warren Brooks in the *Washington Times*. He reported on the Commission's report, and he has two recommendations:

For the first recommendation, he says: "The fastest way to energize the U.S. economy and increase our competitiveness might well be to vastly increase Asian immigration, even at the expense of European immigrants." Now, that is from a Caucasian.

The second recommendation that he made is: "The economic future of the world is moving toward the pacific nations and instead of waging economic warfare on the Asian tigers, we should increase



our mutual trade alliances with them, because they are populated by people who are more committed, more committed to the opportunity society, not welfarism.”

COMMISSIONER CHAN. Thank you, Ms. Wong. Other panelists who would like to conclude their remarks, please say so. Mr. Yuan. State your name.

MR. YUAN. My name is Michael Yuan. And I serve the Asian-American Voters Coalition and the Chinese-American Voters League.

I think to all the people we know, this is a very exciting topic. We are talking about civil rights. We have to utilize what kind of resources we have. If you want to get involved in politics, at least you have to build up your basis. All the Asians want to get involved in politics. They do not do their homework. They just want to request. “What are the benefits? I want to get it.”

I am talking about, the most important thing, you have to build the political basis. We assume around a quarter million Asians—Chinese, Korean, Indian, whatever—in Houston. How many Asian Americans are really registered to vote? It is very questionable. Nobody can answer.

For the past few years, I am involved in Asian, Chinese political grassroots work, since 1980. We want to encourage all the people to register to vote, basically to protect your civil rights.

If you are just talking, talking will not help. The most important thing is your participation, involving different political activities and involving political campaigns.

For the past 4 years, I feel the Asians have made enough appearances, but do not have the recognition. In the coming 4 years, hopefully we can work together. I think last year in Houston we tried to put an Asian group together. We had many differences, which is important. Difference is good. Then we can work together.

So in the future, my conclusion from today's meeting, is to promote voters' registration, to vote.

COMMISSIONER CHAN. Thank you, Mr. Yuan.

Mr. Gee, you have a chance to give us some short concluding remarks.

MR. GEE. Thank you, Mr. Chairman.

I think that one of the factors that has not probably been emphasized sufficiently today will be the importance of the census.

I think that obviously, just like Michael has said, getting our people out to register, getting them out to vote, and getting them to participate in the political process is going to be important. But

just as important is to make sure that our ethnic groups and our nationalities are properly recorded.

I think one of the things that we have observed over the particular periods of time has been that our people have failed to provide information to the Government. And in providing the information to the Government on the census, this is a very noncommittal facet. But the degree of cooperation that we all should seek from our communities, from Mr. Wong and his group as they come out and compile the census. It will be a very important factor to get the attention of the politicians, the attention of the Government, and the attention of the general agencies to be aware as to the nature of the problems that we may have.

I cannot stress or emphasize enough how important it will be for all of us to make sure that all of our people are properly recorded in the course of this next census. This will be the basis of many governmental actions for the next 10 years.

And so if we do walk away from this particular meeting today, not only with all of the other information that we have gathered, I hope that everybody will carry back to their organizations a call to help make sure that our people are properly counted.

COMMISSIONER CHAN. Thank you, Mr. Gee. Mr. Loh, your turn.

DR. LOH. My name is Jim Loh. I support Ms. Martha Wong's conclusions wholeheartedly. I think in a few more generations our children will be a lot more American than we are. I believe we have examined our limitations and I just would like to take the suggestions to the people with the power to bestow opportunities to people, to give us the opportunities. Let us let you test us in the real world.

Thank you, Mr. Chairman.

COMMISSIONER CHAN. Thank you, Mr. Loh.

There is an old Chinese saying: "The forefathers plant the tree and the later generations harvest." Now, maybe our next generation, Ms. Chiu, could benefit some from it. Ms. Chiu.

MS. CHIU. Thank you. For those of you who were not here this morning, I have the distinct status of being the only college student at this panel discussion.

I am a student from the University of Texas, an English and Finance major. I have two things to say for my concluding remarks.

First, I would like to urge the Commission, who have listened attentively to all the panelists with all the wonderful suggestions and very pertinent issues that have been brought up to resolve them, so that our future generation, as you say, can put them to rest, and work on to bigger and better things. I am sure more issues will come up.

Secondly, I would like to take this chance as a representative of my generation to thank all of you who are here who represent the other generation for helping us, for leading us and guiding us into making this better for our future.

COMMISSIONER CHAN. Thank you, Ms. Chiu.

Mr. Willy.

MR. WILLY. I am George Willy. What I would like to ask the Commission, is to take with it back to Washington, that the EEOC has become obsolete. It has outlived its usefulness and has become obstructive. I have seen people go to EEOC on crutches and come back with their legs amputated. It is a very urgent matter that I would like the Commission to take with them.

COMMISSIONER CHAN. Thank you, Mr. Willy.

I would like to ask Mr. William Chang to make some concluding remarks.

MR. WILLIAM CHANG. My name is William Chang.

I think we, the Asian Americans, know how we stand, and I don't think we are afraid of failure in competition or failure in this world. The thing is there may be some situations in which people are looking at us through some kind of stereotypes, eventually resulting in unfair treatment.

I hope we can work together with the rest of the people in this country and remove some of the obstacles, and with the help of the Commission on Civil Rights we can improve the situation and eventually we can all be on fair ground and work together.

COMMISSIONER CHAN. Thank you, Mr. Chang. Next is Mr. Hayre.

DR. HAYRE. I just wanted to say that civil rights is the basic pillar of the American society. It was the Civil Rights Commission which helped to give us a glimmer of dignity and equitable fair share of our processes for minorities in the last 20 years. I sincerely hope and pray that you will take our recommendations and move this country forward by removing the barriers which are still remaining for the Asians and other minorities.

COMMISSIONER CHAN. Thank you. Next is Mr. Albert Wang. Mr. Wang, please.

DR. WANG. I am Albert Wang. In conclusion, I would like to suggest the Commission consider the recommendations that we made in this conference. I recommend that the Commission provide a vehicle to communicate with the Asian community, maybe by appointing one or two Asians on a certain committee so that they can serve as the focal point for passing our messages to you, so that this nice communication we have set up so far will not be interrupted in the future.

I would also recommend that the Commission organize more round table conferences like this one or maybe even extend the basis, as Dr. Liauh suggested, to include roundtable conferences with corporate executives and civil rights realization seminars.

I have received messages from several Asian organizations that they could not participate in the conference this time; however, later on, they would like to issue a status statement for your consideration.

Finally, since I am so moved by you people coming here and listening to us, I am asking myself as a humble citizen, if there is anything we can do for the Commission. If there are indeed things we can do for you, please do not hesitate to call on us. We will be glad to return your favor of coming here.

COMMISSIONER CHAN. Thank you, Mr. Wang. Mr. Steven Hoang.

MR. HOANG. My name is Steven Hoang. I would like to thank Mr. Harry Gee who reminded the audience about the importance of participating in the census. Just like Dr. Hayre said about the pillar of civil rights, the first step to building this pillar is to participate in the census. It will benefit all of us, and it will create equal representation for all of us in the House of Representatives.

COMMISSIONER CHAN. Thank you, Mr. Hoang. Mr. Liauh.

MR. LIAUH. My name is Wayne Liauh.

There are some points that I would like to summarize.

I don't think we should lose our focus. We are still a minority. And the purpose of classifying several ethnic groups as minority members is because of chronic, historical discrimination.

The law against Chinese immigration was not removed until 1965. So the window was only open for 20 years. And now it looks like the gap is going to close upon us again. Twenty years is really not enough time to promote the civil rights of Asians. And I think we still have to fight for our minority status.

I would like to make clear that when we have gatherings, we take an unofficial poll, and find out that at least 90 percent of employees feel that we are discriminated against, one way or the other. And so discrimination, especially employment discrimination, is still a very major issue and we should not lose our focus. We are still a minority, at this point. Maybe several generations later, we won't need the protection. But I think at this point we should emphasize our need to be protected under the minority status.

As I mentioned earlier, the fact that we are having a meeting today is very, very significant. I think we have set the ball rolling, and we would like to keep it rolling. In order to do this, I think we should try to best utilize the services that can be provided by the

Commission. I think after we make our concluding remarks, I would ask the Commission to have the floor open for suggestions as to the kinds of services the Commission can provide us.

For example, education. Help to educate the Asian community of our civil rights. Most of us came from governments that do not work for their people. This is a different country. This is "of the people, for the people and by the people." And we would like to have the opportunity, sponsored by the Commission, (we may be able to raise some money to support this issue, but we need to have some assistance from the Commission) to provide at least some educational opportunities for our community.

Also, we would like to offer our services as well. The best way to do this is to provide some kind of liaison between the Commission and our community. We can solicit help on a continuing, ongoing basis from the Commission, we can receive educational materials from the Commission, and we can disseminate them within our community.

The last point is—I understand that the Commission does not have an enforcement authority—but I do understand that the Commission has a subpoena power, monitoring power. One of the problems that we are facing now as far as employment discrimination is concerned is we do not have hard data. We have perceptions, we have hearsay evidence, we have good faith estimates, but we do not have the data. I would really like to see whether we can use the subpoena or monitoring power of the Commission to get those data.

I would also like to emphasize that in addition to the roundtable conference that we are holding today, we would also like the Commission to have roundtable conferences, inviting corporate presidents or chairmen—the people who are actually in power. Invite them to a roundtable conference and tell them our feelings. Probably that is the best way to communicate our feelings with them.

COMMISSIONER CHAN. Thank you very much. Please state your name.

MR. HO. My name is Rong Ho. I would like to leave two points with the audience and with the Commission in particular.

First point. All we have been saying all day, we are not asking for any preferential treatment. We are just asking for equal opportunity.

Now, the second point is, the roundtable and the Commission's report is a very good beginning. But what we need next will be some followup actions. The most important part we need is that we

need to educate the general public what the problems are, to let them be aware of all the reasons behind these findings.

COMMISSIONER CHAN. Thank you, Mr. Ho.

One last one, and the panelist is Theresa Chang. Ms. Chang, please give us some simple closing remarks.

MS. THERESA CHANG. I also have two recommendations. The first one, just like Mr. Ho, is that we need to have some followup actions. And everybody here, I think everybody heard a lot of recommendations here today, and everybody here I think learned a lot from each other. Everybody here cares about our civil rights, and we would like to see some followup actions between the Commission and between Asian Americans here locally.

I also think that we need some communication. The Commissioners have seen a network here. If we start a network, it is going to grow. So do not just leave this behind. Please keep this network and let it grow, so that we can help each other. Because people also need to know what the Commission needs to complete your research or your survey, to finish your study, so we can provide help to give you those data that you need.

Also, we need to get ideas from the Commission to know what is the next step we could make.

I think communication between each other is very important, and I would like to see the followup action to be done and the network keep growing.

COMMISSIONER CHAN. Thank you very much.

I would like to ask Dr. Cunningham to make his comments.

DR. CUNNINGHAM. We have gathered today a very large and rich record that we are going to take back with us. And I am sure—I think I can say this safely—it is going to spawn many actions on our part in the future.

COMMISSIONER CHAN. Thank you, Dr. Cunningham. Mr. Jenkins.

ACTING STAFF DIRECTOR JENKINS. I am very happy again to be with you today.

One of the things that you mentioned that really strikes home is the fact that we need a liaison.

We have a mechanism in place with the Texas Advisory Committee to the U.S. Commission on Civil Rights. Very soon that committee will come up for new memberships. And I will make certain that our office in Los Angeles makes contact with the community leaders here so that we can solicit names to add some new blood to that advisory committee.

So we will be coming back to you. That will be the link that you can provide information to us.

Again, I have learned quite a bit today; and in working with the subcommittee and with staff in Washington I am sure we can come back with something, another product.

COMMISSIONER CHAN. Thank you, Mr. Jenkins.

Now, my fellow Commissioner, Commissioner Ramirez.

COMMISSIONER RAMIREZ. I want to thank all of you for sharing so much of yourselves today, and to say to you that all of the Commissioners consider themselves to be Commissioners for all Americans and particularly for all Americans who suffer discrimination at whatever level and in whatever form, so that the Commission as a whole cares deeply about the issues you have raised.

I have learned a great deal. I still have many questions. And I will be looking for more information as we go to the round tables in New York and then in San Francisco.

The roundtable process is just the baseline, the mechanism by which we begin to gain enough understanding to then begin to go to a next level of questioning. And the achievement of understanding is something that occurs through many processes. It is intellectual. It is also emotional. It is also one that comes from looking at your faces and understanding the depth of your feelings.

I think that if I would comment on what I have heard here today, I would choose to comment only on one issue. And that is to say that I have heard some level of anxiety about becoming more American. I think we have to ask ourselves, what is it to be an American; and what is it to be an American under the Constitution of the United States?

The fact of the matter is that what you bring to this country, the strength, is uniquely tied to your unique cultural makeup. And so in the process of becoming a full participant, it is important to nurture and strengthen and give full flower to that which makes you uniquely strong.

I know that everyone in this room has a strong commitment to this country, probably stronger in many ways even than those of us who have been here several generations.

There is a palpable understanding of what it is to be an American in this room, and the question becomes, how do we make being an American richer and fuller and stronger by bringing that which is uniquely us, and not by rejecting that which is uniquely us.

If Asian Americans are to make their full contribution to this country, they must build upon their strengths, and that strength has been seen here very clearly. Any effort to diminish that strength would weaken the contribution that you make to the country. It is a matter of expanding the strengths, and not

subtracting from the strengths. I want to say that in a very strong way, because too often we think about being American as some homogenization process, rather than a process by which everyone brings their unique strengths.

I think, too, that one of the things that I have heard is that somehow there is an *a priori* reluctance to make use of the mechanisms for protection. And it seems to me that one of the things that becomes important is to understand the historical roots of those protections as well as the contemporary need to apply those protections. Our Constitution is only as strong as we are willing to make it, by using it. And it will be only be as strong as we are willing to defend it from misuse. Therefore, I think that it is important that each of us, in that process of expressing our full Americanism, be willing to take the risk to challenge any diminution of our Constitutional rights.

Sometimes that taking of the risk to stand up for what is constitutionally right can exact a horrible personal sacrifice, much pain. I have been privileged to know people in my life who have had their whole lives shattered because they took the risk of taking a stand, of filing a suit, of leading a voter registration drive, of standing for office, of being the unpopular voice. They have had their lives diminished. They, too, had done everything it took to become the perfect minority. And then, at a moment of truth, they took the risk to stand up for our Constitution, and for many of those people, it was risking life and profession and the pursuit of happiness, if you would.

But that is the only way that we make progress. That is the only way that we defend what is essentially American. And that is the only way we protect our most cherished gift of all, which is the Constitution of the United States.

To be an American is not to achieve wealth, not to have all of those material benefits, but to understand that we are all protected under the Constitution. But the Constitution exacts a commitment from us to make it a living, breathing document that applies to all Americans. And every day that it fails to apply to all Americans, it is weak. And every day that we move towards making it truly a document that belongs to all Americans, we are strengthening our country.

I feel very privileged to have been here. I feel very privileged to have gained the insights that I have gained.

I live here in Texas. I hope that all of us can work together in the future.



Thank you very much.

COMMISSIONER CHAN. Ladies and gentlemen, the time is getting close. I have very short remarks to make.

First, I would like to thank the panelists for giving us their great support. I would like to thank the Texas State Advisory Committee for allowing us to make this presentation in Houston, Texas. And also, I am really impressed by the audience, that so many people are interested in this particular subject.

I can assure you that what we said here today will not be forgotten tomorrow. It will be one of the basic materials to be used at the forthcoming forum.

Like Commissioner Ramirez said, there will be two other Asian civil rights roundtable conferences. Meanwhile, if you have any civil rights complaint, there is a toll-free number for you to reach. I presume it is all in there. For those who do not know, let me say now, for any U.S. Commission on Civil Rights complaint, there is a toll-free complaint number: 1-800-552-6843. Also, you can issue a written complaint to our General Counsel at the Civil Rights Commission Washington, D.C., address, which is U.S. Commission on Civil Rights, 1121 Vermont Avenue, Northwest, Washington, D.C. 20425.

Again, I would like to express my personal gratitude for you allowing us to come here, and I shall always cherish your suggestions.

# **New York, New York**

**June 23, 1989**

## **Opening Remarks**

**COMMISSIONER CHAN.** The Roundtable Conference on Asian Civil Rights Issues for the 1990s to be held in New York City is just getting started.

Ladies and gentlemen, my name is Sherwin Chan. I'm the Subcommittee Chairman. On my right is Commissioner Ramirez. She is our cochairman. On my left is Commissioner Buckley and also I understand our Chairman, Dr. William Allen, will be here shortly. Also, present today, is Commissioner Destro.

Ladies and gentlemen, we're here to hear the presentations and to conduct a forum for the purpose of gathering information on Asian civil rights issues. In organizing this forum, we have made every effort to include representatives from the various Asian groups and diverse points of view. The jurisdiction of the Commission includes the discrimination or denial of equal protection of the laws under the Constitution, because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice. The information which we gather today will be especially helpful to the U.S. Commission on civil rights in developing our agenda for the 1990s on Asian civil rights issues.

At this point, I would like to ask my cochair, Commissioner Ramirez, to say something.

**COMMISSIONER RAMIREZ.** I am delighted to be cochairing or vice chairing this Committee which all of the members of the Commission consider to be of the utmost importance.

In most situations, the Commission takes a significant amount of time in responding to issues brought to the table by Commissioners. Our job is to be a factfinding body, to be a deliberative body, to be a collaborative body, and usually our product takes 2, 3, even 4 years before it reaches the audiences for whom it is intended.

When Commissioner Chan brought, I think at his very first meeting on the Commission, to the attention of the Commissioners his desire that we should hold these roundtables, the Commission moved swiftly to support the project. In fact, the Commission made significant budgetary adjustments in order to support this project.

It turns out that might very well have been a providential decision for reasons that are beyond most of us. I think Asian

Americans are very much undermined people in this country today and I believe that there is strong identification, at least there's strong identification on the part of this Commissioner.

I consider it my duty to frame both the limitations of the Commission and both the limitations, if you would, of this roundtable and the tremendous promise of this roundtable.

As some of you know, others of you may not, the Commission is a factfinding advisory body. It is not a body with enforcement authority. It is a body that has as its mandate the creation of a record and the formulation of recommendations to the President and to the Congress which might result in new laws, new procedures, new guidelines to further the cause of civil rights for all Americans. That also is usually a tedious and lengthy process.

I have found, however, that the Commission's unwritten responsibility, if you would, and its promise is in providing a record for those groups and individuals that are affected by the substance of the record, and in that way, empowering, if you would, Americans with information which they may put to their own good and appropriate use in furthering our civil rights for people who are their particular concern.

I am reminded that in 1968 the United States Commission on Civil Rights held the first hearings on Hispanic Americans in the United States at Our Lady of the Lake University in San Antonio, Texas. I won't tell you how young I was in 1968, but I remember listening to those hearings on television, being moved and empowered by them, and I can assure you that the information that was developed there has been useful way beyond any direct impact on laws or regulations.

From my prospective, and I think from the prospective of those Commissioners who feel as strongly about these roundtables as I do, this is a very important event in the history of the Commission, and we hope that it will be an important event and that the record will be an important tool for the Asian communities in the United States of America.

Our roundtable in Houston was very informative. We learned a great deal. I don't think you learn or understand an issue until you talk directly with those people who live it. We look forward to the record being developed here over the course of the day giving us those kinds of insights and having that kind of utility.

COMMISSIONER CHAN. Thank you, Commissioner Ramirez.

Commissioner Buckley, would you like to say something?

COMMISSIONER BUCKLEY. All I want to say is thank you to all the people who are here today. We certainly appreciate your coopera-

tion. This topic is very important to us. It was so important that we accelerated its actualization. It was first proposed in January, and we're doing it now. This is unusual. We want you to recognize that we're really behind this project and also to report to you that in Houston we did have a very strong roundtable. The transcript looks excellent and we're hoping that we will be able to develop a lot of facts from today's transcript as well. The idea of the roundtable is very nice and useful, but we are hoping that we will develop a strong record.

Thank you for your participation, and we look forward to your comments.

COMMISSIONER CHAN. Thank you, Commissioner Buckley.

Like Commissioner Ramirez said, this Commission does not have enforcement authority, but we do have monitoring authority to oversee all the civil rights problem within the United States. At this point, I'd like to have Dr. Oi say something.

Dr. Oi?

DR. OI. Thank you for this invitation, Commissioners, Chan, Ramirez, Buckley, and Destro.

I'm an economist at the University at Rochester and I'm appearing before you this morning in my capacity as chairman of the New York State Advisory Committee to the U.S. Commission on Civil Rights.

The charges that have been given to us in this advisory capacity is to identify issues and to monitor the way in which the civil rights of the citizens of this State are being protected. We try to do this by conducting our public forums and roundtables.

I'd like to organize my remarks this morning around four topics: one, census undercounts; second, immigration and illegal aliens; third, labor market discrimination; and fourth, a miscellaneous set of topics including most importantly, equal access to schooling and housing.

Let me begin first with the census undercount issue. On April 27 of this year, the New York State Advisory Committee conducted its second forum on census undercount.

The issue here is a simple one—the right to vote is an inalienable right. These voting rights are valuable because they entitle us to representation, but representation will be fair and equitable, if and only if, we're all counted in an accurate and unbiased fashion.

The Congress of the United States ordained that we should have a decennial population census to count the population to determine

how they are to be represented in our various local, State and Federal legislative bodies.

Over the course of the years, there have always been undercounts. People have not been counted. But the size of that bias in the aggregate has been getting smaller and smaller, so that in 1980, it was less than 1 1/2 percent.

This aggregate error masks a wide dispersion. There are significant undercounts, especially of minority groups, of residents and neighborhoods where incomes are low, proficiency in the English language is limited, and in general, fear of being counted, tallied, and so forth.

The Corporation Council of the City of New York estimates that as much as 14 to 20 percent of the Hispanics and Asians in the city of New York will not be caught in the 1990 census.

That's a tough one, because if you can imagine two communities, two huge communities, one in which everyone is counted and the other in which only 80 percent of the people are counted, the right to vote and the value of your vote in those two communities is very different. It's worth 25 percent more in the community where everyone is being counted and they're going to get 25 percent more representatives in the House of Representatives. They're also going to get a larger share, an equitably large share, of any Federal funds that are allocated on the basis of population.

The issue here is an important one and has been debated among the statisticians as to whether or not the accuracy of these estimates can be improved through a false census enumeration. That issue is hotly debated among the statisticians. It's a technical issue. The Bureau of the Census understandably does not want to engage in this because it opens up other avenues for litigation.

But it's an issue which I think is important to all minority groups.

Let me turn next to the second issue of immigration. Immigration has always been a nasty issue. The United Kingdom has faced it and handled it in a way that I find a bit obnoxious. The Asians have suffered under it. In this country, from 1924 almost through to 1952, in the Walter McCarren Act, the immigration flow virtually stopped.

It is reopened since the 1965 legislation and since 1965, the largest flow of immigrants have come from the Hispanic countries, Central and Latin America and from the Asian countries. The initial motivation of the liberals who backed the changes in

the immigration laws were to open up immigration to the southern and east European groups but that wasn't what happened.

In the course of this, we have gotten a flow of immigrants coming in, and that flow has engendered yet another flow of illegal immigrants. We have now moved into the question of how are we going to try to control this flow of illegal aliens.

In the course of this, we've established a program of employer sanctions, in which employers are asked to bear the burden of enforcing compliance with the law to insure that people who are gainfully employed have green cards. But the danger here is, will that spill over to other minority groups and limit their opportunities to equal employment. That's an issue that is important.

The New York State Advisory Committee have discussed whether or not we should conduct a public forum on this issue. We have not resolved that issue yet, but that decision will be made in the course of the next few months.

Let me move to the third issue—labor market discrimination. We have the right to life, liberty, and the pursuit of happiness. The right to life means the right to employment. It is essential to our well being, and so forth.

Economists have been engaged for a long time in the question of discrimination in the marketplace. But in the course of this, we behave in some ways like a very famous statistician named Jersey Naman. Jersey Naman was a statistician at Berkeley in the early 1950s. I can still remember an airplane flight I was taking in the mid-1950s, sitting next to a meteorologist and the meteorologist pointing out to me the way that cloud formations are forming, where the thunder clouds were and so forth and he said, "Ever heard of a guy named Jersey Naman"? I said, "Yes, a very famous statistician".

The person said, "You know, he has been working on cloud seeding experiments, and I've attended two conferences of which he's presented papers on the effects of cloud seeding." He said, "The only way I can describe his work is it's terribly sophisticated but he's aggressively ignorant of all meteorology."

Now, there is an aspect of that we economists get involved in when we get into trying to measure market discrimination and whether or not income differences do in fact reflect a discrimination.

That's a hard subject, when you observe that women earn 62 percent of what men earn, but they have less market experience. They have part-time jobs. We start controlling for a lot of variables, and we narrow that gap.

We can explain away, maybe all but 7, 8 percent of that gap and then there is a difference, and then the question is is that difference discrimination?

I think it is suspicious and ought to be viewed, but is it systematic? It is not conclusive proof.

It's troublesome because we do the best we can and I think that the study that Dr. Duleep has conducted for your Commission—I find to be quite illuminating.

The most striking feature to me is what's happened to the degree of discrimination against Asians. It's declined substantially from 1960 to 1980 as judged by the kinds of positions they're getting, the earnings that they're getting, their market opportunities, unemployment rates, and so forth.

A second feature which just comes out and hits you in the face when you read the report is we know that we're different. That makes the world very difficult.

When we look at the labor market discrimination studies, I say view it as a way of trying to identify issues.

I think that there is still a huge heterogeneity among the Asian Americans. The Vietnamese are facing a different set of problems than the native-born Japanese. The Koreans are facing a slightly different problem.

I think that these are places where we must look not only at the statistical evidence, but we should also try to buttress it with questions of intent as to whether or not there was an intent to discriminate, which I think is the only way that the lawyers can deal with this issue—not the only way, but it's very important.

Let me turn fourth and lastly to this miscellaneous other topics, which I think are very important.

We want equal access. We now have laws that mandate equal pay for equal work.

But we want access to housing. That was a very important issue. It seems to be reemerging as another important issue and assorted discriminations that are taking place there.

We want equal access to schooling. Discrimination becomes an important issue when there's a surplus. Access to community colleges is never disputed. Why? Because there's enough of them there and it's an open market.

But access to the prize school, to the Harvards, the Stanfords and so forth are places where they are using rules other than simple merit. The rules of competition are such that there's room for discretion.

There is a place where vigilance is required. The issue is compounded by the fact that Asians are entering in very large numbers, especially Harvard and Stanford and Berkeley—a third of the Berkeley undergraduate student body appears to be Asian and are they now going to impose quotas. It's an issue which I think has to be watched. The issue was present in the early 1950s with the Jews.

I think we've come a long way, but that does not say that there's no longer room for watching.

Occasionally I run across economists who do work in military manpower. Three years ago, a fellow came up to me and said, "General Ohno is going to change the Army recruiting system," and I said, "General Ohno, who is t'is gentleman?" He says, "His name is Alan Ohno from Hawaii. He's a general in the United States Army and it looks like he's going to be promoted to a three-star general."

I looked at him—1986, 1987—and I said, "Pearl Harbor is over, isn't it?" And the guy looked at me and said, "Yes, thank God." And I said, "Yes, thank God, too."

The discrimination is breaking down. The roads are opening. We have to watch it and I hope that if we can be of assistance to your Commission, please let us know.

COMMISSIONER CHAN. Next, I'd like to ask Dr. Nishi to say something.

Dr. Nishi?

DR. NISHI. Thank you very much.

My name is Setsuko Matsunaga Nishi. I'm a professor of sociology at Brooklyn College in the graduate school of the City University of New York, and my areas of specialty are race relations, social psychology, and social organization.

In my research, I have been particularly interested in the maintenance of inequality through the processes of institutionalized discrimination and accumulated structural arrangements which are an inheritance of past history.

In addition, I have been and in that connection I will be referring to several pieces of research which may contribute to a better understanding of the ways in which discrimination may affect Asian Americans.

I am vice chair of the New York State Advisory Committee, having been a member since 1973. In 1974 the New York State Advisory Committee held its first public hearings having to do with Asian Americans.



A report was issued and significantly it was called "The Forgotten Americans." There had been so little attention given to this population that indeed, very little data were available for an assessment of the nature of problems.

Therefore, the testimony and the presentation of this very well attended series of hearings, they were held in a period of 2 days, documented very clearly the seriousness of the plight of Asian Americans despite the sanguine appearance in the official data.

Approximately 5 years later, we held a conference in order to enable Asian American community participants to try to develop an agenda to recommend policy changes in order that needs of Asian Americans could be not only identified, but be attended to, and that resulted in a report which was issued by the U.S. Commission on Civil Rights, and that was called an agenda for the 1980s.

Sad to say, many of the issues which we identified about a decade ago are still with us, and it might be correct to say that they have been exacerbated.

For example, both qualitative and quantitative data suggest that incidents of overt violence against Asian Americans have at least doubled in the last year.

As I say, that's a guess but nonetheless, we are combining it with the official data as well as the qualitative kinds of reports that we have in community participants.

Thus, I'm not reporting that as any official finding of the New York State Advisory Committee because in recent years we have not done anything specifically on Asian Americans.

There are several aspects of extremely important work that the U.S. Commission on Civil Rights has done. One of them is the social indicators project in which various population groups were compared to the standard of white males.

I was privileged to serve in the early formulation of that project and as a consultant to it. I believe that stood as an extremely important contribution to general social movement and social scientific research. We called it the social indicators movement and I think that was an important contribution to it.

In my own work, I've been deeply involved in the study of institutionalized discrimination, complex organizational systems and in particular, as senior consulting associate with Clarke, Fipps, Clarke and Harris, Inc. (which is no longer in existence, but the president of which was Dr. Kenneth B. Clarke, the noted black social psychologist) we did analyses of inequities in work systems, educational systems, foster care, and health care sys-

tems and this was primarily at the request of and under contract with the sponsors of these large work settings and service delivery settings.

The complexities of racism today are such that the simple measures that were used in the past to identify discrimination no longer function very well.

Some years ago, I had a contract with the New York State Division of Human Rights to consider the nature of discrimination as perceived by Asian Americans themselves and some identification of what factors impeded their utilization of the complaint services of the New York State division.

In this study, we interviewed a select series of opinion leaders among the major Asian American communities in New York. We found the patterns which affirms the generally bimodal distribution of characteristics. A different pattern of discrimination existing for those who are on the upper end of the professional, technical employees and those who are on the bottom end of income whom we today might appropriately label the underclass. These are the garment workers, these are the restaurant workers, they are people who are seriously underemployed, seriously overworked, not only in terms of the years of their employment, but also in terms of the number of hours, etc.

This bimodality of inequity particularly drove home the thought that measures of central tendency on which this report is primarily based, unfortunately is not sufficiently reflective of the reality.

There are some populations among Asian Americans. We do have a normal distribution of characteristics, but this is rather rare.

In a New York State *Journal of Medicine* article, I don't remember the year, I reported on a study that analyzed the presence of Asian Americans in the New York State health care system.

The perception of the general public as also the perception among Asian Americans themselves, is that because they are in professional occupations, that they indeed have achieved equity within the general work system.

If you look at particular industries, as indeed the health care system is, one can see as a case study, the characteristics of the structural arrangements and the processes by which inequity is maintained.

First of all, the historical residue of the reason they are so very heavily involved in the health care system in New York, a major

source of employment of Filipinos, for example, which I think close to 40 percent of the working population among Filipinos in New York are working in the health care system.

Also, in the case of Koreans, their entry with the 1965 change in the immigration law, was facilitated, in fact encouraged, and special arrangements were made in the immigration requirements in order to allow for this occupational preference entry.

They entered in those sectors in the health care system in which there was a crisis of need. The New York City Health and Hospital Corporation went to the Philippines and to other areas to recruit people to come to work as nurses and other health professionals in the system.

In the article, I identified the structural features of the participation of Asian Americans in the health care system. We find that they're in public employment, they are hospital based, much more so than office based, and they are in certain kinds of specialties for example, State psychiatric institutions are very heavily staffed by Asians on the professional level.

Regrettably, this kind of structuring in these large public institutions has meant that there is a highly, racially stratified work system in the health care delivery organizations.

At the top, there is the white management primarily. In between, are very heavily and highly conspicuously third world and Asian trained people, and then the service workers who are primarily black and Hispanic. It's a highly racially stratified system.

We think that having entered on a professional level, that one might over the years improve in status. Regrettably this mobility has been deeply impeded by now, the new structures with regard to immigration and with regard to the greater preference being given to native-trained health professionals.

I raise the question as to whether we now have a permanent underclass of professionals in the health care delivery system.

I present that in some detail in order to give you some sense of the importance of examining the way in which systems work to maintain inequity within the system.

I have done analyses of the income differences of Asians as compared to other populations, but that's only the bottom line. One has to look at the structural reasons and the historical contextual reasons that this inequity in income and salary occurs.

I'd like to comment very briefly and I have more technical matters that I would like to convey to the authors of this report.

First of all, I think it's important that attention is being given to the social and economic status of Asian Americans.

I regret that media coverage and understanding of this is not going to be favorable to overcoming what I believe has unfortunately become the model minority ideology. It's no longer a matter of simply overcoming myth with fact. There is a ideological, a political purpose being served and therefore what will be selectively attended to will be such generalizations as the following:

The average family incomes of some Asian groups rank among the highest of all racial and ethnic groups in the United States. For instance, the average incomes of native born Chinese, Japanese and Korean families exceed by more than 40 percent the average for native born non-Hispanic white families.

There are many qualifications to that statement which are in this report. Carefully and responsibly stated, to which I commend the authors of this report.

Nonetheless for the media, this is—because it so reinforces, existing beliefs with regard to Asians, this is the kind of thing that unfortunately has placed such havoc with our access to needed services.

I serve as cochair of the so-called Asian American Initiative as a member of the board of the United Way of New York City. We have been trying to get funding to deal with what are extremely serious problems of human service needs that exist in this population.

The perception out there is one, that Asian Americans have such high incomes, that they cannot believe that 30 percent in the tristate area are near or below poverty. This is more so than the entire non-Asian population in this tristate area which is 25 percent. This is 30 percent of the Asian American population which is near or below poverty.

I'd like to note here that the perniciousness of the model minority myth has consequences that are extremely serious and very practical.

One is that there is a serious neglect of the needs of the Asian American underclass who are impoverished and educationally disadvantaged and that might seem to fly in the face of what the data seemed to indicate.

On the other hand, there is a seriously educationally disadvantaged population not only here but nationally.

Perhaps it is not known, that Con and Lu in their 1986 study of the Ponce tapes of 1980 find that if you exclude Japanese Americans, there is a higher percentage of families with school age children who are in poverty than whites. They're in poverty.

The first consequence of this model minority ideology is the neglect of the Asian American underclass.

The second, is that there are very serious stress consequences which are appearing in increasing, rising self-demands in terms of the incredible number of hours that some people work, the number of jobs people hold, etc. and the extreme fragility of self-esteem. . . the cultural alienation, and we have some indication of this in the rise of incidents of domestic violence.

Another consequence is the serious divisiveness and separation from other racial minorities. This has been a serious handicap for us in exercising any kind of political power, and I appreciate your contribution to our needs for some resources for empowerment. The barriers preventing coalitions with other minority groups, because of the existence of this model minority ideology, are extremely serious.

This model minority ideology is not going to go away. Despite some findings here which are indicative and some of the work which a number of other people have done.

I think that the reason that this will not go away is because Asian Americans are caught in the intersection of international and domestic tensions.

The problems, the sources of these problems are nonlocal; that is, they are microsocietal and often international. They are impersonal in the sense that they are systemic so that the sources of tensions, therefore, are difficult to identify and to assess causal responsibility and accountability in bringing about change.

The other feature that contributes to the hidden nature of problems that we are dealing with is modern racism. Despite some aspects of blatantness about violence against Asian Americans, the inequities that Asian Americans face in the labor market today have to do with historical factors of the sectors of the commune in which they have entered, the kind of occupational segregation that exists, and very subtle factors which go into differences in opportunities for advancement, whether in the employment field or within a job.

Long ago, we had access to Bell Lab's data which indicated very clearly that the rate of advanced promotion for Asian Americans was 50 percent longer. Furthermore, the ratio of supervisory to professional personnel was extremely low.

I'd like to close by pointing out that Asian Americans as a minority group have some distinctive as well as comparable features with other minorities.

First of all, they are still vulnerable to the still powerful residues of historical white supremacy in the United States and world history.

Secondly, no matter how many generations have been here and no matter how impeccable one's mastery of the English language might be, one is susceptible to being considered a foreigner and therefore to the new nativism which I think is a very major social movement of the United States. Therefore, we are highly vulnerable to being identified with the foreign antagonist to United States interests.

There's another factor with regard to the Asian Americans as a minority, and that is the rapidity and suddenness of appearance in their population growth. They are highly concentrated in urban areas as well as in the west and furthermore, they are here rather suddenly. Therefore, they are conspicuous and considered an intrusive go-back-where-you-came-from kind of population.

Another feature is the highly diverse characteristics of ethnic nationalities, backgrounds, and origins. The Census Bureau has found more than 60 national origins and counts more than 20 Asian Pacific islander groups.

On top of this is what I have already referred to as the bimodality of socioeconomic characteristics and therefore, we are seriously misrepresented in almost all data which are presented because of the commonly used measures of central tendency.

I thank you very much for this opportunity to speak to you. I believe that there are some very general principals which make difficult the assessment of the characteristics of problems that Asian Americans face.

COMMISSIONER CHAN. Thank you, Dr. Nishi.

I'm very grateful that we have such two knowledgeable civil rights State committee chairpersons.

I know we're running a little short on time and right now it is 10:30, but I'd like to accommodate Ms. May Ying Chen for her presentation. She's scheduled for the afternoon session, but she requested she be put in the first presentation this morning. The subject of her presentation is the development of subeconomies in Asian communities.

Ladies and gentlemen, may I present May Ying Chen? Please proceed.

## **Session I**

### **Development of Subeconomies in Asian Communities—**

#### **The Problem and Possible Solutions**

##### **Statement of May Ying Chen**

MS. CHEN. Thank you very much.

I want to thank the members of the Commission for the opportunity to participate in this roundtable and especially to Dr. Oi and Dr. Nishi who I'm hearing for the first time. I really appreciate your comments.

In particular, I think Dr. Nishi's comments about the underclass and the existence of this underclass employment situation for Asians is really the context in which I'm going to address my remarks.

Firstly, I would like to just simply talk about what is a subeconomy. I think probably the underclass speaks well to it, as Dr. Nishi defines.

Because a large number of Asians have come as new immigrants, we're seeing in a lot of the Asian communities a tendency to replicate conditions that existed in their countries in the United States. By this, meaning low wages, long hours, unsafe working conditions, and oftentimes child labor and the existence of homework, meaning people taking work home and working in their apartments and homes.

I think that one shortcoming of this report is as Dr. Oi pointed out quite well is the significant undercount, especially in the new immigrant sector of the Asian populations. I think that this undercount has created a situation where the statistics and data on which the report is based for the immigrant sector has a lot of weaknesses.

There has been a tendency and trend for government policy, an unfortunate trend, to sanction this existence and the perpetuation of this underclass and subeconomy in the Asian communities.

The recent legalization of homework in the garment industry is an example where a sanctioning of this form of work in the home will make it impossible for those workers who are working in that situation to enjoy the same kind of protections as other workers in the United States.

There's been a significant weakening of the enforcement of labor standards and health and safety regulations, and oftentimes these enforcements never reach into the economies of our Asian communities, especially in the immigrant community.

An area that Dr. Nishi also spoke about is the tendency to scapegoat Asians in this country for competition between the Asian countries and the United States and the trade deficit situation.

There's been a significant attack and dismantling of affirmative action, English as a second language programs, and job training programs which could help our immigrant populations. These changes in the government policy and the lack of that kind of support has tended to reinforce the existence of this underclass and this subeconomy in the immigrant sector of our communities.

I'd like to talk a little bit about the impact of the subeconomy on our Asian workers. I'm speaking today on behalf of the Asian Labor Resource Center, which is a committee of about a dozen or so Asian American union activists who belong to various labor organizations and employment-oriented community organizations.

What we're seeing in our communities is the following. There's a tremendous underemployment in our communities and exploitation of the workers in our communities. There are tremendous health problems and safety problems in the factories and workplaces.

There's a problem with public and self-images among the workers themselves, where they've been put into a certain mode that is very hard for them to break out of. We're having a tremendous problem in education with our youth. We have gangs; we have drugs; we have many of these kinds of problems of low-income, ghetto-type communities.

As such, also there's a tremendous isolation of our communities because of the lack of accurate information, description, and so on, as Dr. Nishi spoke of so well. The model minority myth has cast the Asians in a certain light, and then the low-income side of our community has not been adequately presented and has been in essence, isolated and forgotten.

A second issue which I think other speakers are going to speak to is the backlash against Asian people, especially Asian working people by the general public. There has been a tremendous documented growth of anti-Asian sentiment and anti-Asian violence.

Of course, the most publicized case was the case of Vincent Chin in Detroit, but since that time, there's been a significant increase of these types of incidents in many cities in the northeast.

There is significant discrimination in workplaces. People not being able to get jobs; people not being able to advance in the jobs that they're in.



We face the same problems of many poor communities, lack of affordable housing and struggling to deal with an unfair and inhumane immigration policy today.

I'd also like to talk about the impact of this situation of the Asian workers in the subeconomy on other workers in the United States, especially those of us who are in labor unions that represent all different backgrounds of workers, all different nationalities.

It's quite clear that the existence of this subeconomy and the low wages is going to pull down the wages and benefits of all workers. The Asian workers who are willing to work in these exploitative conditions will be held up as an example to other workers in the workplace as a reason to bring down their working conditions.

The Asians have been used sadly in a lot of union situations as scabs. Unknowingly, being brought into situations to break up strikes and in that situation, also being subjected to a lot of violence and anti-Asian sentiment.

This tendency to scapegoat our community and our workers fails to deal with the real source of the problems. It results in a blaming the victim kind of mentality which we have suffered for a long time.

I'd like to turn lastly to just some suggestions of solutions to this situation.

First of all, we really feel that there should be a strengthening of the labor departments and a restoration of government regulation over employment and labor situations. There also has been this deregulation situation that has hurt us because there's no way for basic labor conditions to be enforced in our communities.

We also feel that there needs to be a strengthening of unionization and contract enforcement towards the Asian communities—that the Asian population cannot be viewed as isolated or such a different type of population that they cannot be protected and organized by unions.

Thirdly, the increase of the minimum wage and the enforcement of standards will help our communities, and so we support these types of measures.

Fourthly, to strengthen affirmative action, English as second language and job-training programs. These are extremely important. I've worked personally in a lot of these programs. I've mourned the cutbacks and feel that these are just extremely important to help the sector of our community.

Fifthly, we oppose the tendency to bash foreign countries, especially Asian countries. This has a tremendous negative impact on Asians in this country.

Finally, we feel that there needs to be an examination of increased aid to the minority businesses in the Asian communities. This is a significant sector of our communities and it's important for them to have the attention and support needed to survive in a very competitive economy.

That concludes my remarks. I thank you for the opportunity to speak and I wish you a good discussion today.

COMMISSIONER CHAN. Thank you, Ms. Chen.

COMMISSIONER RAMIREZ. I just have one question for a point of clarification. The subeconomies of which you speak, or rather the immigrants of which you speak, can you give us some sense as to what the proportion of legal to illegal immigration may be represented in that—is it the fact of the illegal immigration—that level of exploitation or are we talking about legal immigrants?

MS. CHEN. I think illegal immigration is definitely a factor, but I don't think that's the only factor involved because since 1965, there's a significant number of legal immigrants in both the Chinese and Korean populations that I'm more familiar with, and definitely immigration is a factor, but I don't think it's even as strong a factor as in the Hispanic populations that I've worked with.

It's there, but I think the subeconomy is partly due to neglect and the Asians being at the bottom of consideration for a lot of programs, and because of this tendency to believe that Asians on the whole have made it, have pulled themselves up by the bootstraps and then to just forget those other ones that didn't make it—maybe in a generation or two they'll move up. Unfortunately, that doesn't seem to be the case at this point.

COMMISSIONER RAMIREZ. May I suggest that the segregation of nonprofessional Asians in the subeconomies—is itself segregation or are there discriminatory practices in labor unions? Other sectors of the economy that would not be a deadend may in fact be playing a role in this segregation.

MS. CHEN. I would mainly place it on the discriminatory practices and some of the societal structural questions that Dr. Nishi spoke to, that the opportunities have not always been there. The bridges that would need to be built in terms of translation, language, job training, and those kinds of things have not been there.

There is very serious underemployment in the Asian community. The aspiration to move out of that situation is there, but I think there's discrimination that blocks the way.

Does that answer your question?

COMMISSIONER RAMIREZ. Yes, it just strikes me that every time we talk about this, we always seem to be talking about it as if Asians are self-contained and they choose to either go be super achievers or they choose to stay in this subeconomic situation and we never focus on barriers that may exist to their integration, if you would, into the that middle range that provides the upward mobility, the traditional upward mobility in the United States, and I do not remember seeing any literature that describes whether that ever happens or how it happens.

DR. NISHI. The best documentation on this with regard to why they go into such intensive kinds of self-exploitation in small business enterprises is because of discrimination in the bureaucratic work systems. This is well-documented.

MR. MARK. I'd like to make a comment. You have to look at the historical circumstances by which Asian Americans enter into certain subeconomies or into the labor market itself.

For people who are more familiar with that history, there's been exclusion of Asians in certain industries and occupations. That legacy still continues. Of course, with people who have come here before, they set an example of how to survive for people who are coming now.

Certain service industries, particularly the garment and restaurant industries have developed for people who are immigrants who do not speak English and have low skills.

Of course, there's this other sector of Asian immigrants who are highly educated and who are able to obtain jobs in the mainstream economy, so you have to balance that and look at the particulars of a particular group of when they arrive, and also the circumstances by which they arrive at the historical period.

I would say language difficulties and also because of structural discrimination and discrimination in labor unions are factors as to why people go into self-employment, why they go into small businesses. Even people who are professionals who come here who do not speak English will enter into small businesses as a means to make a living, not only for themselves but for their family. You have to look at the specific industries and the historical setting in which groups arrive.

COMMISSIONER CHAN. You have a comment on Ms. Chen's presentation?

MR. LAW. Just to reinforce that. I am Tsiwen Law and I'm with the Philadelphia Mayor Advisory Board.

A culture develops out of an existing subeconomy. A culture tends to reinforce the values and therefore the subservience to that subeconomy, and it's that culture or those values that are reinforced that tend to help the process of self-containment as you addressed.

There are two competing views that develop within that subeconomy—those who want to break out and those who want, because of reasons that they cannot break out, wish to maintain that culture and that value system because either their status or hierarchy within that subculture is assisted by maintaining that subculture, or because for reasons such as their access to education or whatever, they don't have a vision beyond that. They've been frustrated and there is no economic access out of that subeconomy.

COMMISSIONER CHAN. Thank you, Mr. Law.

Next on our schedule—we'd like to continue for the three other speakers before we go to another session.

Next on the list is Dr. Mini Liu. Dr. Liu's subject is Asian immigrant workers struggles.

Dr. Liu?

## **Asian Immigrant Workers' Struggles**

### **Statement of Mini Liu**

DR. LIU. Thank you for this opportunity to speak and to participate in this process.

I'm representing both the Committee against Anti-Asian Violence which is a New York City group and the Asian American Union for Political Action. Our work is focused on some of the new immigration laws and also on Asian immigrant workers' struggles.

I'm going to direct my comments both to the problem of anti-Asian violence and how I think it interacts with the struggles of Asian American workers.

We've marked the 7th anniversary of Vincent Chin's death. It gave a human face to the anti-Asian sentiment which was growing in this country in the form of discrimination, harassment, and physical violence.

This problem continues. The U.S. Justice Department reported a 62 percent increase in hate crimes against Asians in 1986 alone and the New York City Police Department investigating unit documented a 47 percent increase in hate crimes against Asians in New York City.

The kind of incidents we've seen in New York City in terms of anti-Asian violence fall into several general categories. One is random violence in the street. Another is youth and the racial tensions that arise in schools. Third, and one that I think is particularly alarming, is harassment and vandalism against Asians that move into communities that are not predominately Asian and also anti-Asian vigilante groups that have grown up and organized in communities to prevent Asians from moving in. Finally, there is racist police brutality in New York City.

I'm just going to give a few examples of the two most alarming forms. One is racist police brutality.

In January 1987 four members of a Chinese American family, the Wongs and Woos were assaulted and attacked without cause in their own home in Chinatown after the police forced entry into their apartment. One of the officers later said to one of the women that was arrested, "Why don't you Chinese all go back to China?"

In another incident in December 1987, Vuthilarai Thienvanich, who was a Thai-Chinese man working in this country, was shot five times and killed on a Brooklyn subway platform by a transit police officer. Although the officer alleged that he had been relentlessly attacked by Mr. Thienvanich the victim had no history of violence. This fits into a pattern of people of color being killed by the New York City police with the explanation later being given that they were somehow mentally deranged and uncontrollable.

In terms of the problems of anti-Asian violence and harassment in neighborhoods, we've seen an increasing incidence.

The Dotbusters in Jersey City have been very active against the Indian community and in September 1987, Navroze Modi of Jersey City died as a result of a beating by several youths who were caught carrying dotbusters cards. His attackers were only convicted of assault.

In October 1987, hundreds of thousands of flyers blanketed South Brooklyn warning residents of a complete takeover by Chinese and Koreans and urging a boycott of realtors who sold homes to Asians and boycotting of Asian-owned stores. Asians reported several incidents of vandalism against their stores and their homes and a decrease in business. Two realtors who sold homes to Asians had their windows repeatedly smashed after these flyers came out.

Another neighborhood that has been affected is the black community in Brooklyn. In the fall of 1988, an incident between a Korean merchant in Brooklyn and two African-American customers inflamed racial tensions. A boycott was called against not just that

one merchant, but against all Korean merchants in the area. One flyer declared that Korean merchants are vampires. The picket lines continued for months against the merchants in Brooklyn and also spread to Queens and Harlem.

The experiences of Asian Americans in New York City are a reflection of a nationwide pattern. I think it's clear that the situation has not improved since the Commission's 1986 report on anti-Asian violence. In fact, it would seem that the situation in New York has worsened as evidenced by the increasing number of neighborhoods that have permitted, if not condoned, hostile violent acts against Asians living and working in their midst.

What fuels the rising racial tensions and anti-immigrant sentiments against Asians?

In New York City, not only is the underclass of unemployed, underemployed, and homeless growing, but also the position of working- and middle-class people is increasingly precarious. At the same time, the Asian population which is still less than 10 percent of the city, has more than doubled in the last 10 years. Media attention has continued to focus on the success story of Asians and as a result, the common perception is that Asian immigrants, despite their multitude of advantages and opportunities that you hear about with the model minority myth, that somehow these Asians choose to work as cheap labor, thereby unfairly driving out real Americans from those kinds of jobs.

As other people have said, the Asian population is actually somewhat bipolar, with some doing very well and the large majority struggling to make ends meet. In 1985, 16 percent of Chinese and 14 percent of Koreans in the tristate area lived below the poverty level. This is more than double the rate of whites in this area. Many Asians are working in restaurants, garment factories and small businesses, work that provides low pay and benefits, little security and no opportunity for advancement.

I'm going to focus on one particular area of work that I think illustrates how discriminatory policies and programs channel Asian workers into a deadend track of a two-tier labor system and putting them seemingly at odds with other workers and thereby leading to problems with racial tensions and anti-Asian violence.

In New York City, the construction trade is one area of opportunity for blue-collar workers to move into the skilled labor force. However, Asians as well as other workers of color have been excluded from the more well paid and secure construction jobs. Labor unions in the construction trade have resisted including people of color. In the case of Asian and Latino workers, the unions

have selectively used an English proficiency requirement, not generally enforced against European immigrants, for admittance into their apprenticeship program.

Larger and new construction sites are required to use union labor. But because there is virtually no enforcement of regulations requiring the hiring of minorities and women, these workers are essentially excluded from these longer lasting higher paying jobs.

Given the other options for blue collar immigrants, Asian workers are nevertheless going into construction. It is estimated that there are now over 10,000 Asian construction workers in New York City. Almost all of them are working for the hundreds of small contractors, mostly Chinese and Korean, who are often ghettoized into doing renovation in smaller construction jobs in their own immigrant communities. These workers are not unionized and work at wages well below the prevailing wage with few benefits, poor working conditions, and long hours.

Discrimination in the construction trades, coupled with the lack of government enforcement of affirmative action regulations, has driven Asian immigrant construction workers into the second-class status. Yet, ironically, it is the construction unions who complain that nonunion workers, such as the Asian immigrants, are taking away their jobs. This is the undercurrent that leads to anti-Asian sentiment and violence.

In New York, the city government itself has contributed to this explosive situation. The New York City Department of Housing, Preservation and Development, also known as HPD, established an Intercity Remodeling and Apartment Repair (IRAR) program, a program supposedly designed to train workers of color in the construction trades while renovating city-owned buildings. However, instead of skills, decent pay and opportunities for advancement, workers found that they were being relegated to unsafe, manual labor.

Last year, Chinese immigrants at the IRAR program administered by the Chinese-American Planning Council (CPC), protested the poor working conditions and the lack of training. Rather than improving the training program, the city renegotiated the CPC-IRAR contract so that the program was now designed to be only a 6 month training program. This time is certainly too short to adequately train construction workers.

Thus the city's IRAR program perpetuates a nonunionized, underpaid, underskilled sub-class of workers. Within HPD, these workers are used as cheap labor, doing work which would otherwise be done by HPD's unionized construction and maintenance workers.

Once leaving the program, the IRAR workers have no more access or options than before they went through the program.

I think the construction industry in New York dramatically illustrates how discrimination and job opportunities imposed by a variety of institutions creates a two-tier labor system which allows very little mobility from one track into the other. Tensions often along racial lines, are inevitable between the more privileged workers and the subclass and often among workers at the bottom who are scrambling to survive. Discrimination and economic justice must be addressed in order for anti-Asian and all racially motivated violence to be eliminated.

From my presentation, I have a few recommendations to the Commission. One is that obviously there needs to be continued monitoring of the problem of anti-Asian violence.

Another, which I think probably Shirley Lung and Stan Mark are going to address more, is that there needs to be an investigation of the discriminatory effects of proposed and recently enacted changes in immigration legislation. There appears to be a trend toward limiting Asian and Latino influx and—encouraging the immigration of whites.

I think the Commission needs to evaluate the devastating effects of the 1986 Immigration Reform and Control Act which has caused increased discrimination and human rights violations against immigrant workers and people of color.

One thing that's occurred in New York City which I think would be useful nationwide is to develop measures to protect against discrimination based on immigration status.

Finally, I think in looking over the report, I think one important thing is that the Commission needs to develop additional methodologies for evaluating the labor market discrimination against Asians. For example, I think more detailed studies of the types of employment filled by Asians might reveal segregation in the labor market. Also, case studies of particular industries such as the health care industry or construction would uncover various discriminatory mechanisms that channel Asian workers into certain kinds of jobs. Statistics that just average the experiences of such a diverse group as the Asian population run the risk of obscuring the real reality for our people.

COMMISSIONER BUCKLEY. Can I ask a question?

COMMISSIONER CHAN. Yes, please.

COMMISSIONER BUCKLEY. Just now you mentioned in your presentation that there is increased discrimination in the work force. Can you use an example, and if this is happening, have you



tried working through the Office of Special Counsel that was created and is that helping you at all?

DR. LIU. I think Shirley Lung can address that better because she's been working on a hot line concerning IRCA. But I think that it's been shown that number one, even in the GAO report, that employers either knowingly or out of ignorance have discriminated against documented workers and have a decision to only hire citizens because they're afraid they're going to get fined if they risk hiring anyone else, or have decided not to hire people with an accent.

Puerto Ricans have been discriminated against because people do not understand that they are citizens by birth and require different kinds of papers from them. There has been a lot of discrimination against documented workers and there has been increased hardship for undocumented workers that have been driven farther underground.

COMMISSIONER BUCKLEY. Those are obvious violations of the law. Have they gone to try and get mediation? If this is happening, there's a specific framework there for them to go in and complain and get results. It's against what the law was supposed to have done.

DR. LIU. I think the law covers documented workers. Obviously, it does not cover undocumented workers. They are outside of the law by definition and they have some recourse, but limited.

COMMISSIONER BUCKLEY. You just said—Puerto Ricans who are documented are having problems in being discriminated against in the hierarchy. My question is, have any of these individuals either got advice from you, or by any other groups you're working been, with that they definitely fall within that range?

MS. LUNG. I think that the Office of Special Counsel exists to intervene and investigate cases. But really the problem is the fact that there is this discrimination that is going on. Many people hear of people who work with immigrants, people who work in civil rights organizations, but these people are very unwilling to come forth to file formal complaints because of the fear of retaliation, the fear of filing with a governmental agency.

So many cases remain unreported and that's the larger problem that exists. How do you begin to try to prevent that kind of discrimination that happens when in many cases you can't reach people to let them know where they can go? Also, people must be able to identify that they've been discriminated against. In many instances, people don't come forth because they don't recognize that they have a case, a cause of action under the law.

It's a much deeper problem than whether the legal resources exist. I think there are legal resources available to enforce antidiscrimination laws under IRCA. That's just one part of the problem. I think that there are problems in that area as well. I think the larger problem is the fact that there's discrimination that's going on that's not being addressed because of underreporting, not being able to get people to come forth.

I was also going to go into this more in depth.

COMMISSIONER CHAN. There's a gentleman that would like to speak. State your name first.

MR. MARK. Stan Mark, Asian American Legal Immigration Education Fund.

I'd like to concur with what Shirley says, but I'd like to bring to the Commissioner's attention, that on March 17, you had a briefing in Washington on the impact of IRCA and specifically, it's second year report of the GAO, and the major problem is as Shirley indicated, the lack of people filing due to a variety of reasons which she mentioned.

There's also sufficient information in the GAO study itself as well as the New York State Agency Task Force report, which I submitted to you and also the CIR about the impact of IRCA. The large numbers of discrimination cases that have been brought to their attention. The GAO study indicated that one out of six employers actually practice some sort of discrimination in the hiring of immigrant workers.

Although there is some legal nitpicking about the definition, the Commission itself is not bound by the mandate given to the GAO and that can view discrimination in its more conventional and traditional definition and perhaps render a finding or determination that the statute itself has caused a large scale, widespread discrimination around the country.

COMMISSIONER CHAN. Thank you, Mr. Mark.

Commissioner Buckley has a question.

COMMISSIONER BUCKLEY. When you were discussing your recommendations, you said there are discriminatory practices that are being used to channel workers into specific areas. Can you name one?

DR. LIU. I think the whole case study I was giving of the construction industry was an illustration of that—the way the job training programs are set up, the way the construction unions and entrance into the apprenticeship programs are set up. The lack of enforcement of affirmative action requirements on construction job

sites—all those things which are institutionalized, I think contribute to the channeling.

COMMISSIONER CHAN. Thank you, Dr. Liu.

The next one on my list is Ms. Shirley Lung. Ms. Lung's subject is the Immigration Reform and Control Act (IRCA).

Ms. Lung?

### **Discrimination Faced by Immigrants under IRCA Statement of Shirley Lung**

MS. LUNG. I work for an organization in New York City that does policy and educational work on immigration laws and policies. One of the projects that I work directly on has to do with documenting employment discrimination against citizens as well as immigrants that arise from the employer sanction provisions of the Immigration Reform and Control Act.

As an introduction to that, my basic observation from the work that we've been doing is that IRCA is causing increased employment discrimination and abuses of citizens and immigrants. In that way, IRCA is becoming a manifestation of where an immigration law is fueling and intensifying discrimination against the people of color.

Historically, as you've already heard from Dr. Oi and Dr. Nishi, immigration laws have been used to discriminate and exclude Asians from this country. We've seen this from the early exclusion acts of the late 1800s and the early 1900s to the discriminatory quotas of the pre-1965 immigration laws. I think today that discrimination manifests itself through the employer sanctions provisions of the Immigration Reform and Control Act.

What is it that we are seeing happening to workers based on employer sanctions on a concrete level? What are the types of discriminatory actions that we are seeing?

One, I think it's very important to note that this law does not only affect immigrants: it is affecting citizens, it is affecting legalized immigrants, and it is affecting undocumented immigrants. Furthermore, the kinds of impacts that we are seeing are spread across all types of employer industries, all types of job positions, and all types of people from all types of backgrounds.

Basically, what we've seen is that the law seems to be implemented in a discriminatory way against Asians, Latines and Caribbeans. They appear to be disproportionately adversely affected. Employers are wrongfully denying people the right to work, even when people have the proper documents to prove that they can work.

Employers are saying no, we don't want to see those documents. We want to see other documents because you probably falsified them, and they're probably not genuine documents. And in connection with that, employers are increasingly pursuing policies of insisting on citizen passports, U.S. birth certificates, and green cards, when in reality there's a whole range of workers and people with work documents that are legally authorized to work.

I think we also see some employers targeting some workers over others for the checking of documents, while not asking other employers, other workers for the checking of documents—scrutinizing some papers of some workers more strictly than others.

How does the whole issue of discrimination come into this? The issue of discrimination comes into this because these laws are disproportionately affecting Asians, Latinos, Caribbeans—those who sound foreign, who are perceived to look foreign are placed under a greater presumption that they are illegal. They are considered to be more suspect, so their documents, even though they're valid documents, become more suspicious and that's when employers begin to say, "I don't want to accept these documents from you, I want to see other documentation. I want to see the green card." When, in other instances, the same type of documents being presented by someone who is white or is not perceived by the employer to be foreign born or foreign sounding are easily accepted.

These practices, what we see in the community, what we see through the hotline, are confirmed by governmental reports and hearings conducted by various governmental bodies.

As Stan Mark mentioned, the General Accounting Office which is charged with investigating this question of whether IRCA is causing increased discrimination has found in their report that 16 percent of the surveyed employees had increased the practice of either hiring only U.S. citizens or permanent residents or of only asking those who look foreign or sound foreign to produce documents.

The New York City Human Rights Commission has conducted hearings on this issue in November 1988 and had found similar results, and had also found that not only was this discrimination being felt in the area of employment, but they had found testimony to substantiate that this kind of discrimination is finding itself in banking, in housing, in public services and social services, that the perception is that because we have this law that makes some people illegal as workers, then it may be illegal to rent apartments to them if they don't have papers or if they may be "illegal."

There was a report prepared by the Governor's Task Force of New York State on this issue which estimated that about 22,000 New Yorkers have been wrongfully denied or refused work because of the employer sanctions provisions of IRCA.

I think that the other major impact that we see of IRCA is what some earlier speakers have called the creation or the intensification of the subeconomy. IRCA is contributing to the undercutting of labor rights, the forcing of newly arrived immigrants into more marginal work—working under greater conditions of exploitation in sweatshop conditions, and being forced into work where the ability of the government to enforce labor protections becomes even much more difficult.

It's not that people get driven out of work permanently, but what happens is that people get forced onto a treadmill of periodic unemployment that's interspersed by jobs that are extremely exploited, where employers pay very low wages, force very long hours where in some cases, employers don't pay weeks of wages or months of wages. Then we also begin to see increases in child labor, the return to child labor.

Another aspect that I want to talk about in terms of this sort of subeconomy is not only underemployment, in terms of people not getting gainful employment, but the whole issue of people who have certain skills, as teachers, as professionals, and who are forced to work in factories and service industries because they may not have the proper papers.

I think that one of the most dangerous effects of the discrimination that's put in place by the whole machinery of the employer sanctions provisions of IRCA is this presumption against foreigners, dividing people into those who are born here, those who are native, those who are foreign, those who belong, those who don't belong, those who are outsiders, and those who are insiders.

This presumption falls most heavily on people who are perceived to be foreigners, those who are perceived to look foreign, and sound foreign. It falls most heavily on Asians, Latinos, and Caribbeans. The basic danger is that Asians will be considered to be a permanent class of outsiders no matter how long they've been in this country, no matter the fact that they've been permanent residents, no matter the fact that they may be the second or third or fourth generation born in this country.

This kind of classification, this sanction of that kind of mentality is what made possible the incarceration of Japanese Americans during World War II into concentration camps. The fact that though they were Japanese Americans and had been here for many

generations was irrelevant because they were seen first and foremost as permanent outsiders which was used to justify the grossest violations of certain Constitutional rights. I think that's one of the major dangers of IRCA: it sanctions that kind of mentality by allowing employers or providing the mechanism where employers begin to have that presumption that certain types of people, because of the way they look or sound, are always going to be more suspect than others.

I think that the other dangerous part of IRCA is that it was passed. It was enacted, in part, to the theme of trying to save jobs for Americans—that immigrants steal jobs from U.S. citizens.

Most of the documented evidence, even documented evidence from government studies, show that in fact these are more stereotypes that do not hold very much truth. That, in fact, in most types of industries, in most sectors of employment, there is not direct competition for jobs between immigrants and those who are citizen born, that they play very different functions within the U.S. labor market, but yet it's that kind of immigrant scapegoating that had given strong rise to the enactment which continued to propagate it and which the existence of IRCA, of employer sanctions continues to propagate.

I think that this kind of immigrant scapegoating is how we begin to see discrimination against people of color, whether they're immigrants or whether they're citizens, begin to show itself in the 1990s and the period to come. The hostility and hatred that gets perpetuated against immigrants goes to those people who are perceived to be immigrants. This is directly related to the racism we see developing within this country.

I think that probably one of the most important things that the Commission can begin to look at is that we have been entering a phase where discrimination against Asians is taking on a more complex and subtle form, and I think the use of immigration laws, the policies that are launched against immigrants, is one way that we begin to see how discrimination begins to be levied against people, in general.

I guess the recommendation is that the Commission begin to look at the impact of immigration policies and the connections between the policies against immigrants and those who are citizen-born. I think also that as you prepare your reports to assist the Government, assist the General Accounting Office in determining whether the degree of discrimination that is caused by IRCA, take into account not only the quantitative measures, but also the qualitative measures of these factors. We are not just looking at

numerical numbers, 4 percent or 10 percent discrimination, we are looking at the depth of discrimination, the quality of discrimination; how it looks, how deep it is. I think that kind of information can be gotten through forums such as this, not only through surveys and not only through trying to assess a percentage figure.

COMMISSIONER CHAN. Thank you, Ms. Lung.

Next on the list is Mr. Stanley Mark.

### **Impact of Legal Immigration Reform on Asian Americans Statement of Stanley Mark**

MR. MARK. Thank you, Commissioner Chan. It is a pleasure to be before the Commission again.

I am with the Asian American Legal Defense in Education Fund, and I am going to focus on the most recent proposals for legal immigration reform that are now before the Senate.

As Shirley indicated, it seems that Congress has dealt with the issue of illegal immigration through the enactment of IRCA, and now Congress has turned its attention to the overhaul of the entire legal immigration system. One thing we should state right from the beginning is to acknowledge that the 1965 law, which was enacted to eliminate national origin discrimination, also placed immigrants from anywhere in the world on equal footing, by giving them equal access to enter into the United States. Unfortunately, this particular system is now under attack. And, more specifically, family reunification policy, as the cornerstone of our immigration laws, is now being jeopardized by the current proposals in the Senate.

In order to really discuss this debate in some understandable way and without getting into specific technicalities, I would like to just focus on the historical context a little bit more, and on how this debate is being framed.

When we look at this overall context, the debate is being shaped by the convergence of several historical forces, and current factors, including the legacy of discrimination and exclusionary laws that results in a continuation of several stereotypes describing Asians as perpetual foreigners, as well as the stereotypical concept of Asians as the model minority already dealt with by several other speakers.

In addition, the rise of anti-Asian violence, which was covered by Dr. Mini Liu, is another crucial factor at this point in time. I would like to refer to the Commission's own report *Recent Activities Against Persons of Asian Descent*, issued in 1986 and also some materials that have been produced since then: *The Oversight Hearing before the Subcommittee on Civil and Constitutional Rights*

*of the Committee on the Judiciary, House of Representatives*, a report that was issued November 10, 1987, which would supplement the Commission report.

In the original Commission report, the question was raised whether these were isolated incidents or whether they are just being recorded more accurately now. I think the oversight hearing report will show that this is a national phenomenon and that it is very deep problem. This rise in violence is another consideration that you have to take into the current context of how and why restrictive legal immigration reform is now being debated. It is in the current historical context of growing anti-Asian sentiments that we have to examine legal immigration reform.

Another indicator of growing anti-Asian sentiment to keep in mind during the discussion of legal immigration reform is the quotas that are now being proposed at some of the major universities in the United States to restrict opportunity for Asians, as opposed to expanding it. That is another context consideration.

As I mentioned before, the perception of Asian Americans as perpetual foreigners is another consideration, and I believe several of the other speakers have already addressed that factor. In addition, I would also point out, another historical force that is being generated by the current implications of the trade deficit, as well as the loss of jobs to foreign competition, or at least the perceived view of the loss of jobs here in the U.S. are due to immigration, both legal and illegal. This perception perhaps results in a growing backlash towards the empowerment of certain minority groups, including Asian Americans.

To facilitate empowering immigrant communities several organizations around the country are working to develop materials and gather data from the census and from voter exit polls, to develop studies that will, in the future, start the redistricting of our communities in order to enfranchise our Asian immigrant communities. For example, New York Chinatown, is split into two State assembly districts. This is a serious dilution of the voting strength of the Chinese community in New York.

Our office intends to submit, perhaps in September or later in the year, exit poll information and data which will illustrate several factors. Hopefully, one, it will show how the lack of English-speaking ability among Asian voters and the lack of Asian candidates has limited the voter participation of Asian Americans. Again, this is another part of the current context in which this immigration



debate is occurring. Of course, the issue of gerrymandering is there as well.

When all these considerations are taken into account, there is a more restrictive type of atmosphere toward Asians, that most Asian Americans have experienced. Now, it is within that kind of context the Senate has proposed several bills, since 1987, that would actually curtail the amount of immigration from Asia and Latin America.

Underneath this restricted atmosphere, there are undercurrents of the immigration debate, which are not as well-known and not as often discussed publicly, that needs to be revealed, and examined in detail by the Commission.

One undercurrent is that legal immigration is out of control; that somehow it is no longer being regulated properly and that there is too much legal immigration. As a result, there are proposals calling for an overall cap or ceiling on immigration. These proposals, if enacted, will have a discriminatory and disparate impact upon Asian American families who want to reunite family members from abroad.

Also, there is a feeling that specific preferences, specifically the fifth preference, which is the brothers and sisters of U.S. citizens, has caused a phenomenon known as "chain migration." In short, what this means is that there is a belief among the proponents of these bills that perhaps too many people are coming through the fifth preference in a chain; because, for example, a brother and sister of a U.S. citizen arrives here, they are able now to petition for their respective spouses and children and other brothers and sisters, who will, in turn, bring their parents and nieces and nephews. This chain would become an exponential curve that demonstrates that too many people are coming here from certain parts of the world. As a result, there is an attack against that specific preference, as well as the whole entire family preference system, based on this so-called "chain migration phenomenon." It should be noted that the Government Accounting Office has found no data that supports "chain migration."

Another factor for this Commission to examine in terms of policy, and why and how this debate is being shaped, is the belief that we are living in a zero-sum-system—at least in the area of immigration. Meaning that as more immigrants come into the United States, there is a limit of resources and a limit to the number of slices of pie to go around in our economy. But that flies in the face of the whole history of immigration which in fact, has never been zero-sum. Indeed, when people come into the United States, from,

anywhere in the world, they have been able to contribute to the economy, not only developing private businesses, but raising their children and getting an education, and they have, in fact, expanded services, goods, and demand in the economy. This can be supported by studies done by Julian Simon who pointed out that the overall net effect of immigration, both legal and illegal, has been to the greater benefit of the United States.

In addition, there is also a relationship between legal and illegal immigration. If you approach the phenomenon of immigration as a worldwide phenomenon, as opposed to a narrow problem of just controlling our borders, you will see that there are many push and pull factors that cause migration throughout the world, and that the United States is not the only country that is concerned about immigration. But, if you approach immigration with a restrictive type of policy, and enact restrictive types of laws, in effect, you will open the door, perhaps, to more illegal immigration for people who want to come here, regardless of what the laws are. So that is another consideration which I don't think people discuss too often during the debates over immigration reform.

Another issue is the total lack of information about people who leave the United States once they arrive as immigrants. The GAO indicated that during the period before 1980 the total number of people who were emigrating from the United States, who formerly were immigrants, was approximately one-third. That's a fairly large figure. Unfortunately, there is no recent data that explains or describes the phenomena of emigration from the United States since 1980. And unless that type of data is developed, there is really no basis for the proponents of these types of bills to ask for a more restrictive type of approach. In addition, the whole idea of a cap flies in the face of our immigrant tradition and really undermines the concept of family reunification.

I should also like to add that these bills are inconsistent with the Select Commission on Immigration and Refugee Policy's recommendations that were issued in 1981. One recommendation explicitly opposed the concept of an overall cap on legal immigration. Yet, these bills still contain this cap, even though there has been a compromise bill developed just 2 weeks ago; that cap still exists, and we feel that particular type of cap, with its setoff mechanism, which I will describe a little later, will undermine the entire family preference system.

For some of us who have been involved in this immigration debate, we feel that the whole idea of family reunification policy as per the 1965 immigration amendments has allowed Asian Ameri-

cans, particularly, to come into the United States in not just larger numbers, but in numbers that more closely reflect the ratio of people who apply to enter the United States, to the number of people who actually seek to enter into the United States. Even though the demand for visas is much higher from certain parts of the world, like Asia, you should keep in mind historically, that Asian Americans have been barred and excluded from the United States; but for those exclusionary laws, the population makeup of the United States right now and its demographic profile would be quite different. We contend that many more of the people who are in the United States today would have been of Asian descent as opposed to people of other national origin. But due to discriminatory and exclusionary laws, many Asians were barred from entering the United States in any meaningful numbers. The definitive indication of the high demand or desire to enter the United States is that since 1965 about 50 percent of all the legal immigration coming into the United States is from Asia.

COMMISSIONER RAMIREZ. What is that number?

MR. MARK. About 50 percent. Actually higher than 50 percent now. Since the mid-1980s, the majority of immigrants are coming mainly from Asia. However, the percentage of Asians in the overall population of the U.S. is under 3 percent.

Now, let us examine the specific provision that causes us the most concern about the Simpson-Kennedy-Simon bill. Their proposal contains a cap. The cap or overall level of immigration, includes immediate relatives, who are spouses, children and parents of U.S. citizens, plus the family relationships under the family preferences. Their proposal places somewhere in the neighborhood of, I believe, 270,000 immigrants per year under the family preferences; and about 220,000 who arrive as immediate relatives. Immediate relatives currently are not limited at all in their absolute numbers from coming into the United States, whereas there is a 270,000 visa limit on the family preference system. That 270,000 figure breaks down to about 20,000 visas per year per country under current immigration laws; however, their proposal would cut the annual number of visas for Asian countries by more than 50 percent.

With their proposal, what Senator Simpson and Senator Kennedy want to do, is now link the number of immediate relatives who enter the United States with the number of people who are coming through the family preferences. How they do that, is that they take the overall level of family immigration, which they propose anywhere from 470,000 to 440,000 per year, and within that level they are

willing now to subtract the number of visas used for people who arrive here as immediate relatives, from the visas that would have been allocated to family members under individual family preferences, and thus undermine the entire family preference system.

The Government Accounting Office in its testimony earlier this year before the Senate Subcommittee on Immigration, indicated that in a period of about 10 years the entire family preference system would be retrenched. What they were trying to say is that there would no longer be any visas available for the family preference system.

The family preference system has been the key mechanism for the immigration of Asians into the United States since 1965. We feel that these proposals would create a disproportionate and disparate impact upon Asian American families who seek to be reunited with family members from abroad, and we feel that this cap with its setoff mechanism is discriminatory.

I am going to cut my presentation short by just going right to the recommendations which I am asking the Commission to consider, and that is to monitor the debate and the current proposal on legal immigration, and to examine it for discriminatory impact and intent. One of the things that disturbs me is that there already has been an enactment of a discriminatory provision known as the NP-5 program as early as 1986, to benefit applicants from countries who have lost the ability to use the family preference system to enter the United States. Proponents of this particular provision wanted to increase the number of immigrants who no longer have currently family ties, meaning people mainly from Europe, by asking the Congress to pass a law that would allow for a lottery system and a point system that would randomly select immigrants from certain parts of the world. The language in which they couched this legislation became very disturbing. They described the provision as being a provision for those people who were "adversely affected" by the 1965 immigration amendments. By analogy, I would say the way the Asian American community perceives this legislation would be like saying to the black community that the 1964 Civil Rights Act "adversely affected" white people. We objected to the language of that provision. However, it did pass and it did favor people from certain parts of the world with that discriminatory language. This is another indicator of the rise of anti-Asian sentiment that is framing context of this debate which favors a more restrictive approach. The Simpson-Kennedy-Simon Bill contains the same discriminatory language as the NP-5 program. That is why I am asking the Commission to monitor the legal immigration reform

debate and to consider pointing out to Congressional representatives that some of these provisions do have a dramatic and negative impact on the Asian American community.

COMMISSIONER CHAN. Thank you, Mr. Mark.

Mr. Tsiwen M. Law requests—originally he had a 1 o'clock session, but he'd like to make his presentation at the 9:30 presentation. So, Mr. Law, you have 15 minutes, plus 1 second.

### **Violence Against Asians and the Educational Problems of Refugees—A Local Perspective on a National Problem** **Statement of Tsiwen M. Law**

MR. LAW. Thank you, Commissioner Chan. Like all of my predecessors, I will stick to the 15-minute requirement.

I am the chairman of the Philadelphia Mayor's Asian American Advisory Board. It is a 13-member board, representing 11 ethnic Asian communities in the city of Philadelphia. We deal with issues from licensure of Asian street vendors to pesticide poisoning of Asian farm workers, all aspects of city policy which affect or directly impinge on the livelihood and the life of the Asian population, which is now about 100,000 in Philadelphia.

The foci of my talk today are the education problems of Southeast Asian refugees in Philadelphia and our experience with anti-Asian violence, and the reasons for these. I think that the other speakers have covered some of the other issues which we also have problems with in Philadelphia.

Since the Commission's report, *Recent Activities Against Citizens and Residents of Asian Decent*, there have been a number of major incidents of anti-Asian violence in the city of Philadelphia, and I have had somebody present to each of you a copy of a chart that was developed by the Institute for Public Policy Studies at Temple University, which summarizes the incidents of violence between 1986 and 1988 in the city of Philadelphia.

If you look at the chart and at the Asian victims, you will see that compared to our proportion in the population in the city of Philadelphia, we are five times more often victims of racial incidents, compared to our proportion of the population, and that is why we are extremely concerned about the level of anti-Asian violence. It is not that we are a major proportion of the population, but that the racial incidents are far out of proportion with our proportion of the population.

Just to give you a flavor of some of the incidents that have happened since the issue of the Commission's report. A Vietnamese

gentleman who tried to speak with a white woman in a bar was beaten with a baseball bat for making attempts to converse with her. For making attempts to converse with her, his arm was broken and front door bashed in by a group of white people from the bar who didn't want him speaking with her. A few days later, on that same block, the doorway of an apartment building which is known to house many Cambodian families was fire bombed. Some people believe that was in further retaliation for the Vietnamese man's attempts to speak with the white woman in the bar. Both of them happened in South Philadelphia. I had met with the Cambodian family and they simply do not understand why there are so many incidents of violence against their people in Philadelphia.

In South Philadelphia, at a junior high school, two Cambodian women students were slashed in the face because they refused to give over their lunch money in an extortion scheme set up by some of the students there in the high school. Both of them have left the Philadelphia area because they were afraid to continue to go to school there. The school district did not make provisions to send them to other schools, although the student who perpetrated the slashing was expelled.

In West Philadelphia last fall, a Chinese graduate student at the University of Pennsylvania was beaten into a coma by three young black youths while he was jogging in the Clark Park area. He died subsequently within 2 weeks of the beating. No ethnic intimidation charges were brought against them because it became a homicide. Under Pennsylvania Ethnic Intimidation Statute 18 PaC.S.A. §2710, only if there is a charge lesser than a homicide will ethnic intimidation as an aggravation measure be attached to the charge.

In May of 1988 two Indian street vendors were beaten with baseball bats after they were told that Indian vendors were not welcome in that area, which was in front of Pennsylvania Hospital. One individual was beaten with a lead pipe and now has a metal plate in his forehead because of the severe concussion that he received and will probably be partially disabled for the rest of his life.

In South Philadelphia, also last year, a retaliatory shooting occurred between Cambodian youth and white youth. What has been happening around the key school area is that the young children, Southeast Asian children are taunted and called "Chink" on the way home by people in the neighborhood, as a result of which Heurto Sao, a Cambodian youth, allegedly retaliated for the taunting or harassment of his little brother with a beebee gun, shooting a white youth which he found, and as a result he is now

doing time in the Juvenile Study Center. The incident points out the fact that there is frustration in the South Philadelphia area with the lack of police response to incidents that are reported, and frustration with the delays in dealing with these types of problems, and the fact that these types of harassments go on all around the city of Philadelphia, where there are large populations of Asian school children, and they have been going on for many, many years.

One of the things that we have tried to look at are the legal remedies available to victims of anti-Asian violence. The criminal action of course attempts to punish the individual, but as I mentioned before, unless there is an actual charge of a criminal violation, they will not attach any ethnic intimidation charge, and that assumes that the police who investigated the incident, properly investigated to determine whether there was a basis for ethnic intimidation.

The civil actions generally go nowhere because the perpetrators are indigents, have no insurance, and if they did have insurance coverage the insurance companies will not cover the incident because it is an intentional act and insurance companies generally have in their policies escape clauses so that their coverage is only extended to negligent or unintentional acts.

The Crime Victim Compensation Board does provide some compensation. Unfortunately, the lag time between time of application and time of receipt of benefits is 7-to-9 months, so that a person, such as the Indian vendors who are waiting for benefits, has nearly a year's wait. In fact, it has been more than a year since the injury and they have not received benefits pursuant to their application under the Crime Victim Compensation Act. There is only \$1,000 in emergency relief. If there is a determination by the Crime Victim Compensation Board that your disability payments did not warrant \$1,000, you pay back the difference. The problem for crime victims in our area is particularly severe when many people do not carry medical insurance to cover the out-of-pocket hospital expenses and physician office visits for the injuries they receive.

Looking at what happened at the Cleveland School, I pose to the Commission whether we can outlaw baseball bats as a remedy. In fact, prevention is the only solution that can meet the problem that we face across the country in the area of anti-Asian violence.

One of the things that, upon reviewing the Commission's report, *Recent Activities Against Citizens and Residents of Asian Decent*, is that it does not really point to a specific solution. One thing that

could be discussed is the implementation of Asian American studies in the school systems. We in the Philadelphia area, through the Taskforce on Education of Asian Refugee and Immigrant Students, have recommended to the Philadelphia School District that Asian American studies be implemented from kindergarten through the 12th grade. What Asian American studies would do would be to increase the understanding of Asian Americans, about the history that they will inherit when they come over here as refugees, 150 years of violence and exclusion. Additionally, it will improve the understanding of other students, non-Asian students as to what this history is, what racism is against Asians and why we have an historical mission to overcome the process of exclusion, and also deal with the model minority stereotype which has been addressed before.

As far as recommendations on the violence issue, my recommendations are that the national data collection be established and that further reports and hearings addressing reports of violence be held so that concrete recommendations can be made. The recommendations coming out of the *Recent Activities Against Citizens and Residents of Asian Decent* really allude to local activities, State and local activities as a resolution or prevention of activities, and that is not sufficient. This is a national problem and it requires a national response.

One of the problems that we have faced and that appears to be a problem in other areas is that when there is a racial incident, the first response of many of the elected officials is that the incident was not racially motivated. And only through proper data collection can the understanding about the racial motivation be explained, that is statistically. There is the violence issue, the issue of empowerment, that is violence not only raises the question of our physical survival in our areas, but also raises the question of whether our people will continue to be interested in participating in our society as a whole when we are threatened with loss of life and loss of limb. Obviously, that will have a major impact on our efforts to empower ourselves in the city of Philadelphia through the Asian American Advisory board and other mechanisms.

I think that the Commission should investigate the possibility of having a seminar for the press at a national level. The press is really to blame for the dissemination of the model minority stereotype, which I think is responsible for some of the violence, and that is another recommendation.



I would like to now move to the issues of education for Asian refugees and immigrants in the city of Philadelphia. Because of the lack of services, educational services for Southeast Asian refugees in the city, and in the school district, a lawsuit was brought by the Education Law Center of Philadelphia against the school district. The Federal court ordered that remedies be carried out in order to correct the problem. We have experienced a serious dropout rate among Asian students because many children have no family support. That is, when they go home to do their homework, they have no one who speaks English or is familiar with the culture in terms of assisting them with their homework. The dropout rate is also a result of the fact that in many of the programs that they are being funneled into when they come over here, students who have a third grade education are put into eighth grade or ninth grade, and there is a tremendous gap in terms of their educational background, and so they cannot keep up in the grades to which they are assigned.

The school district has come up with a remedial plan to correct some of these conditions. What is essential for the school district to implement this plan is that bilingual teachers be made available. The problem is that bilingual or certified bilingual teachers are not available for the implementation of this plan. Part of that comes from the fact that the State has been adamant in holding to the certification requirements. Second, that many of the people who are available to fill these positions do not have documentation of their educational backgrounds from Southeast Asia, and the positions which they can fill are usually teacher's aide positions which tend to be a high turnover, revolving door kind of job, because of the low pay.

The people are available. What we need is more funding from the Department of Education for certification programs—scholarships particularly geared towards this area so these people can obtain certification and fill the required counseling positions and teaching positions in bilingual education. That is our recommendation.

## Session II

COMMISSIONER CHAN. Mr. Wang, it's your time, and you have 15 minutes, plus 1 second.

### **The General Social-Economic Outlook of Asians Within the Tristate Area—Political Representation and Other Issues Statement of Charles Wang**

MR. WANG. Thank you very much, Commissioner Chan, and distinguished panel. Since I have already passed out a copy of the *Outlook of the American Asian* right here in the tri-state, I will not draw on some of the statistics, but to share with you a few observations.

The conclusion of the study points out two major aspects. First of all, there are definitely more members of Asian families working in a single household, which really contributes to the factor that the Asian per household income seems to be high as compared to the non-Asian; we have more people working in the same family. There are three, four, five members working, earning a meager income, but put it together and you find that the Asian families, Japanese and Chinese, are higher than the other groups.

The second point that I would like to make is: Yes, overwhelming Asians are attending schools, and at least one out of every four has a college education. But the high education does not necessarily translate into their earnings. Higher educational attainment does not necessarily produce higher income for Asians. In that respect you can see a very distinct discriminatory kind of practice which I am sure is prevailing in many other parts of the country.

I also want to call your attention to another particular phenomenon. The only data available to us is the 1980 census—and I want to show you, *We the Asian*. . . which is part of a series of publications put out by the Bureau of the Census. But, if you look at the back, the date that this publication was made available is September 1988. So this is 1980 data, and it only comes out in 1988. Another more detailed document, *The Supplementary Data on Social-Economic Characteristics of the Asian and Pacific Islanders*, also wasn't made available until September 1988.

Without the data, we cannot make a case on many situations with the city, State, and Federal governments concerning housing, small business, employment, and other issues. If those data are not made available early on, we will not benefit by it at all.

We cannot, in a sense, really conclude anything except to call this a kind of institutional discrimination that there is a builtin

fault in the system. You do collect data, but you don't make it available until such time that it becomes obsolete. So, the Asian population's substantial increase, which again shows up in our outlook study here over 150 percent in the last 4 or 5 years, is not apparent until the latter part of the 1980s. The Bureau of the Census has promised our various congressional leaders that the 1990 census data will be made available by late 1991, because they have a mandate to the Congress in terms of redistricting. I would recommend that the Commission on Civil Rights hold the Census Bureau to that obligation. Not only to continue to really launch an all out effort to count Asian and Pacific Islanders, since there is a gross undercount because of a variety of culture and language barriers, but also to produce documents which will be produced in time and distributed widely so that we can really make use of them to benefit the Asian American community throughout the country. In that respect, we see the possibility particularly for the New York area of electing an Asian in New York City. Right now we don't have one single elected official of any level, be that State assembly or city council or any other type of offices, because we don't have the kinds of districts that really could help to make it possible.

The 1990 census will present a golden opportunity for our community here in New York to really make a giant step forward. So I would really urge the Commissioners here, that you would communicate to the Bureau of the Census that you will hold them "In Contempt" if they don't produce the data in time, because that is a gross, although not deliberate, institutional kind of racism that we have to overcome. Because of the vital importance of the Bureau of Census data, something has got to be done about it.

That is my point for you today.

COMMISSIONER CHAN. Thank you, Mr. Wang.

MR. MARK. Can I just interject something very timely to what Charles is saying?

It is a very sad fact, but maybe the Commission can help investigate this or perhaps persuade the Census Bureau. As Charles mentioned, it is crucial that we have a proper count, and historically there has been an undercount in the Asian-American community.

One way to overcome this is for the Census Bureau to hire people who are bilingual or people who are immigrants from their respective communities so that the undercount will be minimized. However, the current hiring policy of the Census Bureau is to hire only citizens, which I think is in violation of the Civil Rights Act. It would require some legal research, but perhaps the Commission

can use its position and persuasion to convince the Census that that particular policy should be rescinded.

COMMISSIONER CHAN. Thank you.

Our last presenter for the morning session is Mr. Rockwell Chin.

## **Empowerment and Voting Rights Issues**

### **Statement of Rockwell J. Chin**

MR. CHIN. Thank you, Commissioner Chan.

I am a member of the Chinese Progressive Association, which is a grass roots civil rights organization in the Chinese community, and coordinator of the Chinese Political Empowerment Project. I am also a member of Community Board 3, which is a planning board which covers the Lower East Side, including Chinatown, and I am an attorney practicing human rights law, discrimination law.

One thing that I am observing here is that many of us are from Chinese American backgrounds. While it is quite appropriate because this is, if not the largest, the second largest, and I think we think it is the largest Chinese community in the country. So it is appropriate that there are many people here from Chinese backgrounds. But this is a very diverse Asian community and this is a hearing on Asian civil rights issues. I think that is a weakness. We need to recognize that there are South Asians, there are Filipinos, Japanese, Koreans, and Southeast Asians. New York City today and New York City of the next century is a city which really does reflect these many different Asian nationality groups. So there is something missing today, I believe.

What I wanted to underscore, and Charles actually said it very well, is that when you speak about civil rights issues and you speak about empowerment, a lot of it does come down to numbers. Who can vote? Who is eligible to vote? Are we exercising our right to vote? And when you start talking about numbers, of course we know why there were not numbers of Asians, because of the racist, anti-Asian immigration law. So, when we speak about the census and how important that is, we still have to recognize that the census, even if we have bilingual census takers, the census is not in Chinese and English; it is not in Korean and English; the census is in English, first of all. The forms are in English. We also don't have in this city bilingual ballots in Chinese, Korean, or other major Asian languages. And there is some talk today, and we are trying to advocate this, as well as many other groups, that because certain counties in New York City are under the Voting Rights Act, we think we have the numbers. Of course we have this problem with undercounting, but we think we have the numbers, that even under

the Voting Rights Act, that we are entitled to bilingual language material and bilingual ballot.

The problem, I think, when you start talking about numbers, on the one hand is what Charles was saying: The census does not do its job, and I don't think it is just a question of resources. Numbers are very important in terms of policy. If it goes through this whole effort, and comes out almost 10 years later, what is the purpose of the whole thing? It really is a disservice to those communities, Asian communities in particular.

I'd like to make some recommendations regarding voting rights here in New York City and I don't think they are unique to this area.

We need bilingual material. And even if the laws, the Voting Rights Act, doesn't mandate it, I think the Commission on Civil Rights can say this is a country where we say freedom and democracy is our slogan. This is something that we prize. And yet we, among all the industrialized countries, have one of the lowest rates of registration and lowest rates of voting. We know that in the last election something like half of the eligible voters voted. So this is the problem, and I think there needs to be leadership on the part of the Commission to say, "What can we do so people will vote?"

The Chinese community, and I will focus on that, has perhaps 120,000 residents, citizen and noncitizen. Many of those, perhaps 60 percent, are new immigrants. And of the immigrants, of course, quite a few are permanent residents and some are undocumented. But when people become eligible to become citizens—and I think there is also a need to encourage people to become citizens—there should be registration at that point. There should also be registration at government offices and social service agencies. We don't have that. That is really a problem. We make it difficult for people to be eligible to vote, particularly for non-English-speaking people. These recommendations come in the nature of making democracy really a reality, rather than what is really very faint and distant to many people, particularly in our community.

The last set of recommendations have to do more generally with our representation and empowerment.

As was mentioned before, there are no elected officials in New York City. We do have two judges that were elected, and that was only 2 years ago. And so there is this problem of how do you elect people who may represent you best, who know your concerns in the community? And New York Chinatown we think is large enough to warrant possibly redistricting as an assembly district, or possibly a city council district, as the Charter Commission discusses changing the charter and expanding the number of city council

districts. Yet, New York Chinatown is split pretty much down the middle, and you have one part of Chinatown in one assembly district and the other part in another assembly district.

When you look at the number in terms of a possible district, those are the numbers that you count towards a district. But of course, if you are going to have an election, it is the people who are registered to vote who are going to be able to elect someone, and we only have, we think, somewhere around 5,000 or 6,000 registered voters in the Greater Chinatown area. Perhaps this shows really a very big gap in terms of where we are and where we have to go.

The government has to do more in terms of providing materials, outreach—people don't even know what a voting booth is like, how to go and vote. There needs to be legislation also on translation in the polls. Right now we just have an agreement with the board of elections. There is nothing statutorily mandated.

So, again, I am glad we have this opportunity to meet. I think that we need the leadership of the Civil Rights Commission today, now more than ever, in terms of the whole attack on the whole civil rights agenda.

COMMISSIONER CHAN. Thank you, Mr. Chin. Commissioner Buckley.

COMMISSIONER BUCKLEY. The one thing that interests me a lot, is the idea of having a bilingual ballot available to whoever requests it. In the AIDS campaign, the Surgeon General sent out the brochures for AIDS with a 1-800 number where you could get it in different languages. Maybe we could make something where if you want your ballot in a different language, you might be able to do an absentee kind of situation where you would request that ballot in a different language and sent to you ahead of time. That might be something we could look into at a national or maybe it could be done even at a State level.

MR. CHIN. My understanding is that the State could. Of course, that would take a certain process. But I think we need to discuss it more too as something that really people should be entitled to.

COMMISSIONER BUCKLEY. Just like the elderly citizens now. Once you are over a certain age you could request to have it sent to your home ahead of time, perhaps, especially in language, you know, minority-type communities like Texas and here in New York, with the Asian community, that you could request, if you were more comfortable in another language—and I will tell you, I am bilingual in Spanish and I like having the Spanish version just to check that the English version didn't get me off on the wrong track. So it feels comfortable to have it on there, even though I am fluent in both

languages. And I would suspect that it would be just as comfortable for Chinese, Japanese, and the other languages.

## **Session III**

COMMISSIONER CHAN. Ladies and gentlemen, this is our afternoon session and I'm glad that we have two more Commissioners to participate.

I know Commissioner Ramirez will be here soon, but on my right is our Chairman, Dr. Bill Allen, and sitting to my left is our fellow Commissioner Bob Destro.

The first on the afternoon session, is Ms. Pat Eng.

### **Problems Faced by Battered Asian Women**

#### **Statement of Pat Eng**

MS. ENG. My name is Pat Eng and I am the cocoordinator of the New York Asian Women Center.

The title of my talk today is the problems faced by battered Asian women. As the Asian population in the United States grows, so too do the number of incidents of violence against Asian women.

Each year, countless Asian women are sold into the country as mail order brides. Countless rapes go unreported and incest, the greatest taboo of all, remains hidden in the community's darkest closets. In the early 1980s, the New York City Department of Health statistics indicated that the suicide rate among Chinese women was three times greater than that among Chinese men. While more people are aware of incidents of anti-Asian violence that is racially motivated violence, little attention is paid to violence against Asian women, or more specifically for purposes of this discussion, domestic violence.

Why is it that these disturbing trends have gone largely unnoticed? Why is it that there is little if any expression of rage or concern over this information?

Stereotypes of Asian women and of Asian communities unfortunately persist. Asian women are still portrayed as being passive, obedient and subservient. Asian communities are still revered as being quiet, hardworking, and able to take care of their own. Included in that stereotype, is the stereotype of Asian families as being the model for extended family support.

The three most common assumptions made about domestic violence in the Asian community are: number one, it doesn't happen within the Asian community; two, it affects only a small group of women; and three, the level or degree of violence is not severe. These and other assumptions made by both Asians and non-Asian community leaders and policymakers serve to minimize the problem of battering and ultimately to render it invisible.



It is time to get the facts straight. Battering or domestic violence occurs with alarming regularity within the Asian community just as it also does in the larger American society. Battering affects both immigrant and American-born Asian women of all groups. Each year, the New York Asian Women Center alone receives over 850 calls from battered Asian women. This year, we've already worked with over 180 battered women. Women from all over the east coast have come forward to ask for help. Each year battered Asian women are bitten, punched, and stabbed. They are threatened with knives and guns, denied food and money. They are verbally harassed and sexually assaulted and also killed.

Isn't it the right of every human being to live a violence-free life and isn't it also a concern to every human being if another is being violated? Such values are often forgotten when it comes to women of color.

Problems faced by battered Asian women are multifaceted. Cultural and historical factors combine to place Asian battered women in especially desperate situations.

One of these factors is the tradition which gives the male in the family control over decisionmaking and economic resources. This tradition holds that before marriage a daughter must obey her father; during marriage, she must obey her husband; and after her husband's death, she must obey her elder son.

Women are held responsible for the success of the family. For Asian women, failure in marriage is not just an individual failure, but also brings shame and humiliation to the entire family. The extended family for most battered women is an extended nightmare since they are often abused, not just by their husbands, but also by the husband's relatives.

Women who reveal family problems to outsiders are looked upon harshly by the community for bringing such shame to the family. Also, single mothers are viewed as symbols of shame and immorality, as they deprive their children of fathers. These women are frequently excluded from social and family gatherings. For these reasons, getting help from anyone outside of the family or considering leaving a violent relationship is often an insurmountable problem for many Asian women. To confront the violence is often synonymous with condemning herself to isolation and ostracization.

Many Asian women are faced with problems of being immigrant women. They often depend socially and economically on the Asian community in which they live or work. Many do not possess the English language skills needed in order to survive outside of the Asian community and as a result, their social networks are limited.

These women are not able to negotiate systems or institutions outside of these communities and as a result, are trapped in violent situations. Oftentimes, their abusers are better able to speak English and therefore better able to convince others that the women are the ones with the problem. This often happens when women make a police report. The police come to the door and the woman, not being able to speak to the police and the husband being able to converse more, is able to say it's nothing, it's just a minor problem here.

U.S. immigration laws are such that many immigrant women come to the U.S. without members of their own families, thus leaving them prey to the violence of their husbands and the husband's relatives.

Many women arrive in the country with conditional permanent resident status, petitioned by their husbands. This conditional status expires in 2 years, during which time the original petitioner must file for regular permanent resident status for the woman. Many abusive husbands use this as a power and control mechanism since women cannot themselves complete the process without the original petitioners or their husbands, so they're really caught up with having to abide by what their husbands say and the husbands threaten the women with, "If you don't listen to what I say or if you don't do what I tell you to do, then I will not complete your status and you will probably have to leave the country."

This is only one of many prime examples of how institutions ultimately collude with abusers to gain complete control over their victims, leaving them with little or no recourse to defend themselves or challenge the violent behavior.

A woman who therefore chooses to leave her husband may be facing the choice of abandoning her entire community or risking the danger of retaliation from the abuser and/or his family.

Battered Asian immigrant women are fearful of jeopardizing their own legal status or any chances of petitioning relatives to come to the United States if they take action to confront their abuser's violent behavior. If they are undocumented as quite a number of Asian women are, these women have even fewer options available to them, forcing them to remain in violent relationships. Asian women have fewer support systems to start with, but what little they have may be taken away if they choose to challenge the violence in their lives.

The disadvantaged economic position of women is exacerbated by immigrant status. In restaurants, garment factories and commercial businesses, women are relegated to the lowest paying

jobs, most paying below the minimum wage. These jobs are often seasonal and afford little job security. Due to language differences and lack of marketable skills, most women can only find employment within the borders of the Asian community. Some women do homework or the piecing together with fabric or jewelry that are brought into their homes; moving away from the community would mean an instant loss of livelihood for these women.

Even a temporary leave of absence from these jobs in order to maintain their personal safety and the safety of their children may cost them their jobs. Oftentimes we get women telling us that if it requires my not going to work, then I can't do it—I can't go to a shelter. I can't go to a safe place because I can't risk losing my job.

External conditions to the community, such as the housing crisis also contribute to the powerless position of Asian women. As rental prices escalate, the number of affordable housing units decreases. Families often are forced to doubleup creating overcrowding in the homes. Already overburdened immigrant and working-class families who are living in crowded, unhealthy conditions do not possess the resources to help battered women and their children.

Most battered women shelters do not have Asian staff and many will not accept women who do not speak English. In some places, as in the case in New York City, acceptance into a battered women shelter requires women to either pay exorbitant per diem rates, effectively leaving them with no other resources, or to go on public assistance. Given strong aversion to welfare handouts, many battered Asian women are discouraged from using existing shelters.

Few alternatives to these shelters exist. The New York Asian Women Center is the only shelter program for battered Asian women on the East coast and our program is almost always filled to capacity.

The legal system further exacerbates already desperate situations faced by battered Asian women. Few battered Asian women turn to law enforcement. In New York City's Asian communities, the history of police brutality cases, leaves the communities with distrust for the police.

Statistically, more police are injured responding to domestic violence calls nationwide. Therefore while some States such as New York have mandatory arrest protocols, enforcement of such is discretionary. In New York City, most of the time we find that in fact men are not arrested.

Many battered Asian women from the start do not involve law enforcement. They know that it will only serve to further anger the abuser and cause him to inflict even more violence when the police

leave or if he is arrested, when he gets back, then she will certainly face the consequences.

Battered women and their advocates throughout the country complain that orders of protection are not enough deterrence to violence. For battered Asian women, negotiating the court system is often impossible due to language.

Obtaining an order of protection is often a long and detailed process. In New York City, an entire day in court must be spent in the attempt and even then, the order is not always granted. Orders of protection usually order the abuser to stay away from the victim. It is the experience of most battered women and their advocates across the country that those orders are not worth the paper they're written on. There are numerous stories of women clutching those orders as they are beaten or murdered. Enforcement is rare and punishment other than a slap on the wrist for violations is even more rare.

Rare also are vacate or exclusionary orders which allow battered women to remain in their homes and instead order the batterer to vacate the apartment. Most often, it is the victim who must leave in order to escape violence and to find a place to go.

Obviously, for some battered women, a vacate order would not be a safe option, but for those who have no place else to go, especially where there are children involved, a vacate order would prevent displacement or homelessness of these families. For many battered Asian women, this would be a slightly better alternative given the insurmountable problem of finding housing. This would support the idea that battering is wrong and allow women to remain in the community.

Once again, this is another prime example of how institutions, (which are supposedly designed to help battered women), do just the opposite. Judges are reluctant to order a man out of his "castle" and they certainly are even more reluctant to do so for Asian model families, going back to that same stereotype.

For battered Asian women who do not speak English, even attempting to get the regular order of protection enforced is a frustrating and dangerous experience. Obtaining orders of exclusion are virtually impossible for battered Asian women.

Cases of battered Asian women defending themselves while not common, do exist. A Filipino woman, Betty Singh, shot her husband after suffering brutal abuse and threatened with her own death and the death of her children. While Sing was eventually acquitted in 1987, more battered Asian women will find themselves once again defending themselves in the legal system as they choose

to confront the violence. According to the *Philadelphia Enquirer*, the national conviction rate of battered women who kill in self defense is just over 70 percent.

In Brooklyn, New York, an immigrant Chinese man, Don Lu Chen, was recently sentenced to 5 years probation for the brutal murder of his wife upon learning of an alleged affair she had. The judge in establishing the sentence explained that since marriage is sacred in Chinese culture, the man was acting within acceptable cultural norms when he expressed his rage. The message to Asian battered women inherent in this case is that the criminal justice system will not protect them, nor does it value the lives of Asian women. This message was received loudly and clearly in the Asian community. Already at the women's center, it is very difficult for us to convince women to try to seek legal means to address the violence. After this sentence came down, the women that we work with said that they were outraged and also that they would not consider going through the court system because it would not protect them at all.

There was another case in California of a woman, Fumiko Kimura, who tried to kill herself and her children by walking into the ocean upon learning of her husband's affair with another woman. This case led to 1 year's worth of incarceration, 5 years probation, and mandated counseling.

It's interesting to note the similarities and differences between the Kimura case and the Chen case, both involving the infidelity of a spouse, but with different responses. Kimura responded by hurting herself, while Chen responded by killing his wife. Yet both were considered to be appropriate cultural behavior. As more Asians begin to interface with the legal system, it is important that a double standard not be utilized under the guise of culture.

To summarize, battered Asian women have few options open to them. They cannot use battered women's shelters due to language and cultural barriers. They cannot leave their apartments since they have no place else to go. They would be unable to find decent affordable housing and would be completely isolated outside the community. And they cannot leave their jobs since they have few employment opportunities open to them. All of these factors and others coalesce for Asian women in a particularly cruel way, leaving them with limited ways of leaving the violence in their lives and condemning them to escalating violence and danger.

Given everything that I've said today, it is clear that changes must be made to help battered Asian women. The problem can no

longer be relegated to invisibility and must be part of the community's agenda for change. The problem of domestic violence in the Asian community must be addressed by policymakers and include some of the following steps:

1. Reform of the court system to make it easier and quicker to obtain orders of protection. Strengthen orders of protection and issue exclusionary orders.
2. Court personnel must be sensitized to the needs of battered Asian women. More translators are needed to accurately translate for women.
3. Community based programs are needed to work specifically with battered Asian women utilizing a culturally sensitive approach.
4. Promote access to existing services by providing training to staff of battered women's programs and by hiring Asian bilingual, bicultural staff.
5. Recognize the changing needs of the community despite the stereotype of the Asian extended families; the divorce rate within Asian communities is climbing.
6. Households are now being headed by women. Community services need to reflect those changes and better support the single parent households.
7. Available government and private sector funding must also reflect the changing needs of the community.
8. Better employment and employment training options for Asian women is also needed.
9. Decent and affordable housing for battered women and their children.
10. More affordable decent child care options. Regulations governing public day care or child care facilities need to be developed so that battered women do not need to risk compromising confidentiality and safety in order to receive day care services.

Battered Asian women deserve credit and respect for their efforts in challenging the violence perpetrated against them. In order to have every chance in making better lives for themselves and their children, battered Asian women need to have institutional and community roadblocks removed.

COMMISSIONER CHAN. Thank you, Ms. Eng.  
The next speaker, is Mr. Carlton Sagara.

## **The Role of Asian American Community-Based Organizations In Civil Rights**

### **Statement of Carlton Sagara**

**MR. SAGARA.** My name is Carlton Sagara. I'm from the Asian American Resource Workshop in Boston. I'm going to be speaking on Asian American community based organizations and civil rights.

There are many organizations in the New England region involved in civil rights issues, but the community based organizations on the front line serving the poor and minority community are the ones who must deal with civil rights or the lack thereof as they exist in the community. They are the first to come into contact with and are most immediately affected by the results of discrimination and prejudice; the ones who first see and must deal with their immediate effects on people.

Community organizations will be the ones to move the civil rights agenda for Asian Americans. They work to build the capacity of the Asian American community to advocate for its rights as well as the community's ability to participate economically and politically in American society. Their insights and understanding of the daily lives of Asian Americans will ultimately provide the justification for developing the legislative structure of civil rights at the national level.

A common experience of Asian Americans is the social and economic violence of every day life directly against people of color. According to civil rights needs assessments conducted by the Asian American resource workshop in 1987 and supported by many other studies of anti-Asian violence, Asian Americans are regular targets of harassment. Families have the windows of their homes broken, garbage dumped in their yards and their car tires slashed. Pedestrians must endure insults and other harassments as they walk through their own neighborhoods. Students are attacked in school; motorists harassed on the highway.

But only a small percentage of these crimes are ever reported to the police. Some of the reasons these crimes are not reported include unfamiliarity with the language and culture, fear of retaliation from perpetrators, and fear of the police or the government.

Yet, we know that if these crimes go unpunished, their perpetrators will be encouraged in their racism. People will continue to live in fear, anger and frustration, maybe until somebody decides to strike back or until something so bad happens that the law must take notice or the community decides to organize on its own.

Government agencies cannot prosecute these crimes without someone making a complaint or having clear evidence of a violation. Workers in community-based organizations, because they have gained the trust of the people, because they work to meet the day-to-day needs of their communities, and because they can meet these needs in a culturally appropriate and sensitive way, are usually the first to hear about these crimes. Yet, most of the time these workers are so overburdened by their jobs, that often they can do no more than listen and sympathize. It is not that these workers do not wish to help their people, but because of the constraints on time and resources and sometimes for political reasons, they cannot.

An example which embodies several of these issues might serve as an illustration. The city of Lowell in northeastern Massachusetts has been called the all-American city, it's a city of immigrants.

Lowell first began as a center of the textile industry thriving upon the labor of European immigrants who worked in the mills. With the decline of textiles, Lowell went into a decline and became a blighted area until recently when companies such as Wang Computers brought industry back into the area. The development of new industry also brought a new wave of immigrants, mostly Hispanic and Cambodian. Today, it is estimated that 25 percent of Lowell's population is Cambodian.

But in addition to a revitalized city, Lowell is also a center of the English-only movement in Massachusetts, a movement which has proven itself on numerous occasions to be fueled by anti-immigrant sentiments.

Lowell is a city where Hispanic and Asian children were being segregated and classes being taught in school corridors and separate temporary facilities. This treatment of immigrant children was addressed only when their Hispanic and Asian parents, acting through community-based organizations, brought suit against the school system.

It is within this context that a few weeks ago a community worker, an Asian woman with a Ph.D. was accosted at a Burger King in Lowell by an irate white man who yelled profanities at her and told her to go back to where she had come from. When she tried to enter the restaurant to get away from him, he blocked her entrance and struck her on the arm. An off-duty police officer intervened, but on the side of the white man. The officer demanded the woman's driver's license and simply handed it over to the man who was harassing her. When the woman demanded to know at least her assailant's name, the officer merely asked the man's name



without acquiring any identification. The woman's first reaction was to try and forget about the incident, however psychologically painful it was. As a community worker, she knew that Asians in Lowell encounter this kind of harassment daily.

Shortly after the incident, the woman began receiving phone calls from a man whose voice she identified as belonging to the one who had attacked her in Lowell. The man again told her to go home and also threatened to kill her if she did not. The man's threats disturbed the woman considerably. As a psychologist, she counseled many Asians who were the victims of similar harassments, but as a victim herself, there was little she could do to counsel herself.

The harassment has affected her ability to do her work as well as threatens her sense of security. Out of a sense of responsibility as a leader in the community, she decided to pursue legal action.

We believe that this case will take organizing by the community to get any kind of justice. The resistance to the movement for justice by the nativist movement in Lowell is strong and has given rise to fear within the community about making waves. The woman is now encountering resistance from the people she thought would support her. They are telling her to forget it, that sticks and stones are not the issue, that words will not hurt her. But indeed the words do hurt. They're a severe blow to her sense of security and to her freedom from fear.

There are two issues in this incident. First, the attack on the woman is the type of common occurrence that is seldom reported. Part of Lowell's rebirth has to do with a publicity campaign which paints the city as tolerant, and welcoming everyone. A city with no racial problems.

In fact, Lowell might be described as a pot ready to boil over. Community workers know this and the presence of the English-only movement is additional evidence. Yet, whatever racial tensions exist are not addressed in public. Like so many other cities and towns in the region, the official response is to deny the existence of any problems. Since there is no State or national hate crimes reporting act, documenting the existence of labor tension is problematic at best.

The second issue has to do with the police officer whose behavior was clearly out of line, though not unique. Part of the woman's plight is how to address this behavior. As a community worker, it appears that if she should bring charges against the officer, her relations with city police and officials with whom she works daily will be damaged. In addition, the city has downplayed previous

racial incidents. One of the saddest being the killing of a Cambodian boy by a white boy. The question of whether there will be a coverup, whether she will get justice at all, remains unanswered.

Over the past 7 years, a number of incidents of racist violence have galvanized the local Asian community. It has been the community's experience that while government agencies have been supportive and often vigorous in the prosecution of perpetrators, the cases have often been handled in ways that are disempowering to the community.

Prosecutors tend to treat the issues simply as a legal problem, a problem of whether they can win a conviction or not. The victim in the community is left to struggle in the dark, to figure out the complexities of the lawyer's maneuvering and the legal issues involved on his own.

Yet as we can see from the civil rights struggles of the 1960s, much of this struggle and its victories were the result of extensive community education and organizing. It was not until people understood that they had rights, what those rights were, and the importance of their asserting their rights, that the communities could begin winning victories.

Because enforcement of civil rights law is sometimes a political question, community organizations are in those instances the only ones which can advocate for an individual or a community's civil rights.

This is, we believe the situation in Lowell. Unless the community exerts pressure and unless it can organize broad-based coalition in support of this woman, the law enforcement agencies involved will not push for justice. This is simply not the case of an individual being brought to justice or a single woman's pain. It is also an attempt to educate the community about the right of all Americans and about what an individual can or cannot get away with.

Unless community organizations can participate in the civil rights education of their communities, unless they can continue to organize within their communities and to build coalitions across communities, the civil rights of these communities will continue to be eroded by the Supreme Court and by groups such as English-only organizations with their narrow definition of who can be an American.

We would like to urge the Civil Rights Commission to study the role of Asian American community-based organizations, what the role they are beginning to play is, and their potential for activity in the civil rights area. Recognize that Asian American community organizations are important in the struggle to secure the civil rights

of Asian Americans and that it is therefore important that we insure their survival. I think that a lot of the testimony given today provides great evidence of that.

There are a host of issues and problems that confront community-based organizations in the Asian American community today. Time limits articulation of all of them, but they include:

**Funding**—the Asian American organizations suffer under the model minority image, and therefore are passed over by foundations in government agencies for support of their work. The funding community must be educated about the issues faced by the Asian American community and about the ways the community is addressing them.

**Leadership**—in many Asian American communities there's a dearth of community-based leadership willing to put forth the effort to make a commitment to build the Asian American community. The leadership that does exist is often spread very thin.

**Asian American unity**—we must respect the integrity of Asian ethnic groups. Yet, it is also important for us to recognize the need for unity among the various communities if our needs are to be heard.

What is necessary is that there be a national agenda for Asian American civil rights. Such an agenda must be formulated based on the participation of community organizations, who can articulate regional and local issues. The Asian American and civil rights national rights leadership must convene to prepare us for the struggle for the next decade.

COMMISSIONER CHAN. Thank you, Mr. Sagara.

COMMISSIONER CHAN. Ms. Ramirez?

COMMISSIONER RAMIREZ. I wonder if both speakers, would state for the record their experience in accessing funding from federally supported community development block grants and things of that type. What I heard in your testimony was that you're not getting equal access to those services. You asserted that the model minority myth or half myth stands in the way.

MS. ENG. What happens is that certain guidelines or priorities are set and they aren't necessarily connected with the priorities that exist in the Asian community.

The way that child care legislation or something like that comes down, it doesn't take into consideration the effects that it has on for example, battered Asian women. It doesn't take into consideration when they ask women for all sorts of information, that if that information is not forthcoming, there are specific reasons for that. There are safety reasons for that.

I think it's the way that policies are set, it's the way that priorities are set, but aren't necessarily priorities for the Asian community. If Asian communities want money, they have to change the way that they package the information or the way that programs are run or the programs that are offered, such that they get some money and those oftentimes don't meet the needs of the community.

MR. SAGARA. For a specific example, one of our staff members went down to talk to a vice president of a major foundation in New York. She was told by this person that the Asian community is basically invisible. He was aware that it existed—he saw them on the subway and by Chinese restaurants and stuff like that—but as far as their needs were concerned, he had no idea what they were.

Recently, we along with several other organizations held what is called Meet The Funders Day, where they usually have a group of funders talking to a group of fundees or people wishing to do that, but this organization which is similar to the foundation center in New York, have turned it around and have the Chinese community present to them. The reason they wanted this is because they admitted to themselves that they were very ignorant about the needs of the Asian community.

COMMISSIONER RAMIREZ. What about Federal funds?

MR. SAGARA. I think there are two ways to look at that. I believe that a thing called the Gateway City program in Boston was originally Federal funds, but administered by the city.

As far as that goes, that program in Boston was cut from 11 million to 3 million, and that program was specifically targeted to help newcomer populations.

The other thing—

COMMISSIONER RAMIREZ. Did you get any of it?

MR. SAGARA. The first year, but not after that. We believe that education is a very important part of the whole civil rights process. But, if you're not a university or some kind of very established institution, you don't usually get education funds, especially for civil rights work.

The other point is that for a small organization, which I think a lot of community-based organizations are, the grant application process for Federal funding is almost prohibitive. It's just such a nightmare of paperwork that people sometimes just decide not to do it.

DR. SUNG. May I respond to your question?

COMMISSIONER RAMIREZ. Sure.

DR. SUNG. I'm Professor Betty Li Sung from City College of New York. I teach the Asian American studies program there. I think one of the reasons why there is so little funding is it starts at the very root of the problem, and that is there's very little data on Asian Americans up until very recent times.

Government agencies do not collect separate data on Asian Americans. If you look at the sources, they'll be black, white, Hispanic, and others. In the past, we have more or less been lumped into the others.

Fortunately in 1980, we were able to break down more of the census data. I think you will realize that for the 1990 census, we had a very difficult time trying to break down the individual Asian groups. Finally, we prevailed but after a long fight and a veto by President Reagan, but finally the Census Bureau decided to give us that information.

In my experience with helping community organizations, I have found that they are so busy trying to provide service to the community that they don't have the time and they don't know exactly how to go about gathering the underlining data to support their requests for funding. As this gentleman says, instead of going through that hassle of trying to write a proposal, many times they just forego it.

Basically, the problem is trying to get at data and what I have been trying to do for the last several years is try to seek funding to establish an Asian American research center in which we can try to generate some of this data, not only for social service agencies, but for the New York City government as well.

The last time I testified at a New York City hearing, immediately the Mayor's assistant said yes, because every time he asked a question, or one of the Commissioners asked a question, nobody knew the answer. They said why don't we have the answers to some of these problems? What is the rate of suicide? What is the rate of dropout? What is the percentage on welfare? How many people are coming in? Nobody knows the answers to these questions.

He said yes, that's what we should have. But today neither the city government, the State government, or the Federal Government has seen fit to fund an Asian Americans research center.

COMMISSIONER CHAN. Thank you, Ms. Sung.

Commissioner Destro?

COMMISSIONER DESTRO. I'd like to follow up on your answer, Professor Sung. Could you explain for the record the process that the various Asian American scholars pursued in trying to get the data out of the Census Bureau? Many of these programs do in fact

depend on adequate data and I was duly impressed that they finally prevailed. Do you have any insight as to how that process went?

DR. SUNG. Yes. I served on the 1980 census advisory committee and during that time, they decided to break out eight or nine Asian groups.

Previously, in the 1970 census, there were only three groups: Chinese, Japanese, and Filipino. Then in the 1960s and 1970s these new Asian groups came in. But for the 1990 census, they said they're so many Asian groups coming in now and there's such a variety of them that that will take up too much room on the census forms. And so they decided in the interest of economy that they would lump us all into one category called Asian Americans.

We know that Indians are quite different from Chinese; Cambodians are quite different from Koreans; and yet they wanted to lump us all together in that checkoff on ethnic identity. If they had lumped us all together, we would have been a hodgepodge and you wouldn't be able to identify any of us.

We fought very hard, but we weren't getting very much headway until a bill was introduced into Congress by Congressman Matsui. The bill was passed and was sent to the White House. President Reagan vetoed it and at the last minute we were defeated. Fortunately, however, in the fight that ensued and having made known our concerns repeatedly to the Census Bureau, they decided that they would break out and desegregate the Asian Americans separately anyway. We felt a great sigh of relief that this is going to happen because for the next 10 years we know today that the Asian American population is coming. They consist of one-half of the legal immigrants coming into this country.

COMMISSIONER DESTRO. Did you have any sense that the people at the Census Bureau understood the necessity for the disaggregation of the Asian community?

DR. SUNG. They understood perfectly. We worked closely with the Census Bureau. They understand, but they said we have to follow Government directives and there was nothing that they could do about it, especially if they took away a lot of the money.

Even with the 1980 census, we didn't get a breakdown until 1988. When they have a subject report for blacks, for Hispanics, where you finally give the social economic characteristics, we didn't get that booklet until 1988. I was always on their backs trying to get this information for 8 years. They said we ran out of money. We did the blacks, we did the Hispanics, but we don't have any money left. Finally, in 1988, we got information from the results of the 1980 census.

## **Session IV**

**COMMISSIONER CHAN.** I'd like to start with Ms. Margaret Chin. State your name, your organization, and the subject you'd like to present.

### **Asian American Students at Public Universities**

#### **Statement of Margaret May Chin**

**MS. CHIN.** My name is Margaret May Chin. I'm a graduate student at Hunter College. I also belong to the East Coast Asian Student Union, the Mid-Atlantic Region. I'd like to talk about Asian American students in public higher education.

While newspapers, magazine, and TV proclaim the Asian American success story at the elite institutions, one still has to realize that the majority of Asian American students are attending and will continue to attend public higher education.

Today, for the Asian American population as a whole, access to higher education and retention is of great importance. Education at any institution is hailed as the ticket to a better life and to the achievement of the American dream.

On the east coast, the Asian American community is now made up of over 50 percent immigrants. Recognition of this shift is of utmost importance by the city, State and local school administration. Recognition will also bring on an educational system that is suited to the needs of new immigrants and Asian Americans students as a whole.

In the recent years, there has been an effort to upgrade our public higher education system. With an emphasis of going back to the basics, many colleges have implemented special reading and writing proficiency exams to qualify students for graduation for 4 year senior institutions.

At the same time, there has been an effort to channel those students who cannot qualify in basic reading skills and who cannot pass these exams into a 2-year community colleges. These priorities along with the financial cutbacks in public higher education has created a crises situation for many in public higher education.

These new rules have limited access to higher education for all minority students and will continue to have an impact on Asian American students in the Asian American community.

In the City University system of New York, the CUNY system, 39.6 percent of all Asian Americans that attend have an annual family income of less than \$12,000. Compared to 16.4 percent for

whites, 48 percent for Latinos and 36.2 percent for African Americans.

24.5 percent of all Asian American students have incomes of \$24,000 or more, where 55.3 percent of whites, 19.3 percent for Latinos and 25.2 percent of African Americans have this higher income bracket.

From 1975 to 1986, the undergraduate Asian American student population tripled from 2.5 percent to 8.3 percent. This is of no surprise to anyone. New York State has the second largest Asian American population in the U.S. The issues that affect Asian American students here have a drastic effect on the whole Asian American population.

In particular, the issues in the CUNY system that affect students include access to basic remedial classes that have to be taken before the start of their regular college curriculum, writing exams that qualify students for graduation, limited services available to the new bilingual students in our areas such as tutoring, counseling and administration and the financial cutbacks that actually decrease the number of classes that are available to these students to take, as well as the decrease in the number of faculty that are teaching in these schools. There are many more issues that I didn't list that affect Asian Americans on the whole undergraduate level as well as placement of Asian Americans on all levels of public higher ed, including faculty and administration. Combined—all of these things make it harder for Asian American students to graduate from public higher education and generally make it harder for all Asian Americans to contribute to our communities later.

At Hunter College, remedial classes are given, but I know many Asian American students have gone through the public high school system here in New York City and have had to take remedial classes. Those aren't just bilingual students or new immigrants. These are people who are born here, that go through the public school system here.

Most have to take the remedial English or writing classes. These Asian American students want to take these classes because people want to learn to read and write. They want to learn English, they want to be proficient in English, but for them these classes are very frustrating.

Many take these classes and don't pass. They take it again, registering and paying. Some have taken these classes for a third time and yet, while the Asian American students are working to pass remedial English classes and paying for it, they are not



allowed to take any college level English classes that are required for graduation. This already extends their stay in college.

Taking these classes over and over may not be the solution for them. It's extremely frustrating. An answer to this may be to get a tutor or have the schools provide a tutor, and not waste any more time and money in these zero credit classes. But there aren't enough tutors available and budgetary cutbacks have limited the services available.

At many of the CUNY schools, there's also writing exams that have to be taken before you graduate. The American students feel the same frustrations there. For some of them, they may have completed all of their graduation requirements but can't get their college degree because of this writing exam, so there's nothing basically done for them at this point either.

The financial cutbacks have also had a drastic effect on services available to Asian American students. Services such as tutoring for classes, bilingual counselors and bilingual administrators have not been available.

The change in population at the City University of New York has not been recognized and services have not been offered. For this new population, it's very important for the Asian American community that these issues be addressed to insure that Asian American students graduate.

For most, they work and go to school, so these students are already extending their undergraduate years. Not having these services, pushes many more to drop out or to extend their college education.

Financial cutbacks in State and city education budgets are also very frustrating in that they affect the classes that are available for them to take. Cutbacks means the firing of adjunct professor that tutor, that teach remedial classes and that teach introductory level classes. This means less classes, so how can you go to school when you can't get into the class that you're required to take?

These issues not only affect Asian American students, but affect all minority students. We are asking for the same access to education in much the same way as other minority groups did. Given the change of demographics, Asian Americans must come out to take a stand on access to higher education. They cannot address these issues alone, nor can we ignore them. The consequences are too large.

Recognizing these issues and research on their impact on our communities is very important. Coalition building with other

minority groups to address these issues is of utmost importance to the future of the Asian American community.

COMMISSIONER CHAN. Thank you, Ms. Chin.

The next one on the list is Ms. Amy Chu.

## **Asian American Students at Private Universities**

### **Statement of Amy Chu**

Ms. CHU. My name is Amy Chu. I'm affiliated with the East Coast Student Union, New England region, and my talk today is about Asian American students in private schools. This is to complement Margaret's talk on public schools.

Maybe I should begin with my background.

I've done 3 years at one private college, Wellesley College near Boston and I'm in my second year in a 5-year program at MIT. A lot of the colleges around Boston are private schools and generally, being involved with organizations both socially and politically and talking with these students, I think I have a feeling as to what the issues are.

I think that education is a right and not a privilege, but privilege is exactly what education has become at this point. We see the doors being locked and barred to certain sectors of society, namely minorities including Asian Americans.

What is of particular concern is that most private universities have statements saying that they do not discriminate on the basis of sex, sexual preference, color, or financial need. Yet, time and time again, cases come up where we really don't see that happening. We see that the statement doesn't hold true in terms of policies and especially admissions policy in regard to Asian students.

In earlier decades, what Asians experienced was more of name calling and physical harassment. I think what is of more concern especially in the 1990s is institutional racism in schools—policies that maybe aren't intentionally set up to hurt any particular sector of the student body, but in effect do.

This came out, for instance, when I had a meeting with some administrators in one school about financial aid. It turned out that what they claim is that financial aid is equal for all students, but in fact there are some policies that do discriminate against people on the basis of race. When I tried to pursue it further, they stonewalled. It's very difficult to find out exactly what they mean.

One of the big issues for private schools is admissions. Examples like Stanford; Berkeley's not a private school but it is a competitive school and when Asians began to make up over 15 percent of the student body, that became a problem. Yet, at San

Francisco State, it was never a question of having too many Asians on campus. What does that suggest, that it is okay for Asians to be in private schools, but not in significant numbers?

This particularly affects Asians in urban areas where it's more of a working class income and that is where a lot of private schools do not recruit. They basically take in a certain number and then there's no effort to recruit the diversity of Asian Americans. It's becoming a numbers game.

Even though administrations will state, "We have no quotas, we don't put caps on anybody," in private interviews with certain admission officers, they'll say that at some point they start feeling maybe we've accepted too many Asians and the perception of the model minority myth, that Asians are good at science and only interested in science, not good at sports and things like that and English, that this perception remains in their mind while they're reading these application forms, and that affects their decision of letting people in.

If you look at certain figures that have come out in the last decade about admission rates to certain universities, they show a marked decrease in the acceptance rate of Asian Americans, whereas the number of Asian Americans that have been applying to these universities has gone up. What is going on?

Another problem in private colleges is that policies regarding Asian Americans are frequently vague or nonexistent. When we are up for minority status, we sort of fit it when it's convenient. When it comes up for services or things that other minorities get, we don't get them because we're the model minority. We don't need help.

This doesn't deal with the situation because I think figures have shown that Asian American students have a higher dropout rate, twice as much as say white students, and the suicide rate for Southeast Asian students is a particular concern. Yet there are often no services to deal with this and even for campuses where Asians are a significant proportion, say 15 percent on campus, there are racial incidents where the schools have taken no action against that; they have not set up any way of dealing with racial tension on campus.

Another concern is that the curriculum of not just private schools, but for a lot of schools in general, remain heavily biased towards western cultures. The curriculum for the universities I've attended are generally dominated by Eurocentric views and their views towards Asian countries. It tends to render these other ethnic views unimportant and invalid. I think it's important for Asian American studies to be established in these schools. Asian

American faculty also needs to be hired. The hiring of Asian American faculty administrators, not just in that field but in all fields tends to be very disappointing.

In talking about institutional discrimination, I also want to talk about the direct racism that exists on campuses. I see no action being taken against verbal and physical harassment.

I think that the number of Asian women reporting sexual harassment or racial harassment is significantly higher than all the other women on campus. There are also examples of anti-Asian graffiti on the MIT campus on the libraries and on the elevators. To things like that, administrations are either slow to respond, don't know how to respond, or basically just do not see the situation as serious as some of the other students see it.

As far as physical harassment, I think a lot of things happen that are unreported or that people don't feel are very important. When it comes time that people want to report it, there's no avenue to go to. People are bounced around like ping-pong balls about who to see. There is no clear avenue.

The other thing is that the universities that I've come in contact with treat discrimination as a black and white issue; they don't consider Asian and Hispanics involved with this. When they put out reports, like MIT did a couple of years ago, they talked about Asians as an overrepresented minority, therefore not in the report. This was not the point of the report. The point of the report was to talk about the treatment of minorities on campus and being neglected. As anyone knows who's been on MIT campuses, there's a significant population of Asians at MIT and that is causing problems. These problems are not being addressed. Regardless of being what they call an overrepresented minority on campus, we are minorities regardless in society's eyes. To be left out in this report as a nonminority just doesn't wash.

I'm asking on the behalf of Asian students for the Commission to investigate these issues for the 1990's agenda because I feel it's going to be increasingly important as the number of Asians come into this country in increased numbers.

Thank you.

COMMISSIONER CHAN. Thank you, Ms. Chu.

Originally at this session, devoted to education, we had three speakers, but Ms. Theresa Hsu won't be here until after 4 o'clock.

MR. ALLEN. I do have one question. Ms. Chin, did you say that 50 percent of Asians on the east coast are immigrants?

MS. CHIN. Yes, that's true. I believe I read that in the new *Outlook*.

DR. SUNG. In New York State, the percentage of—I'm not talking about Asians, I'm talking about the Chinese, but I think other Asian groups, the percentage is even higher; other Asians have come later. But for the Chinese, it's 75 percent in New York State and 86 percent in New York City. That's according to the 1980 census. Three out of every four Chinese is foreign born. So the greatest need is English language. For Koreans and for Southeast Asians, the percentage is even higher.

MS. CHIN. A lot of that is based on the immigration laws, where in 1965 they liberalized the immigration laws, and that's when the majority of people came over then, after 1965.

MR. ALLEN. Are they immigrants in the mode of boat people from Vietnam, or is there a different wave of immigration?

MS. CHIN. For the Southeast Asians I think the majority are. For the Chinese, it's more brothers and sisters and families of immigrants who have come over a lot earlier.

MR. ALLEN. Is there any sense of what proportion is from political immigration and what percent is—

MS. CHIN. I don't know.

DR. SUNG. Depends upon which Asian group you're talking about. For the Vietnamese, most of them are refugees; they come in under the refugee relief act. Cambodians—political refugees. The others you might say are more regular immigrants.

MR. ALLEN. You said something about Asians at MIT being omitted in a report on minorities, and then you urge that they rethink this because although Asians may not be a minority at MIT, they're still a minority in society at large. Therefore they should be included at MIT in any report dealing with the question of minorities in general. That says to me that you think that there are terms of identification among minorities in general in the United States that are compelling, and that you believe that the case should be stated in a way to make it equivalent to the case of other recognized minorities. Do I understand you correctly?

MS. CHU. I'm not saying the cases are all the same. But, when you issue a minority report, you should include all minorities or at least talk about them in some length about their presence on campus; that is what this report was supposed to be.

MR. ALLEN. I was trying to get to the principle. Is it because there is a set number of minorities, which should be consistently subject to that treatment, or is it a special case argument that you're making?

Ms. CHU. I think that it seems to me from what I read that Asians are kind of a special case minority in that we're not really minorities according to their definition because there are too many of us.

COMMISSIONER DESTRO. Could I interject a question? Can you explain what the definition is?

Ms. CHIN. I think the Federal Government listed—and I may be wrong now—but before, they used to give monies to schools, both private and public, based on the percentage of minorities on campus. Minorities included Asian Americans, so therefore if the city government or the State government or Federal Government is calling Asian Americans minorities, then Asian Americans should be included in any minority report that is given out, because otherwise you're lying to your campus or lying to the administration.

COMMISSIONER DESTRO. I understand all that, but my question goes to how do the campuses define the term minority?

COMMISSIONER BUCKLEY. In Houston, we've heard the term minority of convenience. Also, when it's convenient for them for funding purposes to call you minority, they call you minority. But when it's convenient, and one of the examples they gave us was if you had SAT scores or achievement test scores, then you were included—you no longer were Asians because that would move the curve on the achievement, and in Houston, we were given the term minority of convenience. Is that what you are describing?

Ms. CHU. I think that is true for the process I'm familiar with in those universities. We are minorities of convenience. No one has ever said who's a minority and who's not a minority, but when it comes up for recruitment or things like funding, we are conveniently minorities when it looks good.

MR. ALLEN. Are you insisting that all minorities be treated in the same way?

Ms. CHU. I'm not saying that, but I think it should be fair. I don't think that what's good for one minority group is good for another minority group.

MR. ALLEN. That's what I'm trying to get you to make clear because the argument at first sounded like that.

Ms. CHU. But I think there should be a specific university policy regarding that. If we are considered minorities under federal regulations and definitions, then we should be treated as such, because too often they say "Asian Americans, maybe you're an ethnic minority but you have no problems. You don't need all these special services."

MR. ALLEN. But to be treated that way is to your advantage, or should you be treated that way whether it's to your advantage or not?

MS. CHU. I think it should be a fair ruling. I don't think it should be—

MR. ALLEN. If it's not to your advantage, you still should be treated as a minority?

MS. CHU. I'm not sure—I think you're making it too generalized.

MR. ALLEN. Let me make it very specific for you. The University of California, which you mentioned in the course of your remarks, are contemplating at the moment adjusting their admission standards because in the past admission standards have operated to the disadvantage of Asian Americans. That has been protested. They resisted it, but it was finally admitted. "We did it. Yes, it was discriminatory. Now we're going to change it."

They're going to change it by increasing the percentage of students to be admitted, not as minorities, but on the basis of their scores, raising it from 40 percent to 50 percent. By doing that, they will treat Asians differently than they treat blacks and Hispanics, but they will also admit more Asians in the process.

Is that wrong according to the argument you're making—should Asians not be treated that way? Should they be treated instead the way blacks and Hispanics are treated?

MR. CHIN. May I join in this conversation? I'm a product of the University of California at Hastings Law School, so I'm pretty familiar with their minority programs and their efforts to recruit students.

This is a very complex issue. It's not a question of whether such groups should be competing against each other, which inevitably becomes an issue.

I think that because the term minority and the criteria continue to be evolving and are discretionary as to how they come about, each university has applied its standards of what they consider are minority.

In terms of a minority with a disadvantaged background—meaning low-income profile, someone who comes from a family where there has been no education—I think that you can then identify that there are minority students regardless of Asian, Hispanic, African American, or other descent. These factors are used to evaluate who should or should not be admitted under these special admission type of recruitment programs.

Then you have the other general rules which are premised on academic achievement, on SAT or other kinds of scores, as well as the grade point average.

In the situation with my school, it had been disclosed much later that they were using minorities who were eligible to be admitted in the standard class, without concern to the fact that they were of a minority group; because they had good scores, they qualified under those quantitative criteria. However, it was very convenient for them to use these groups to fill those limited slots that were originally intended to recruit people who were minority and disadvantaged under those criteria that they set up.

At Berkeley, you have a situation where they have a large admission pool of eligible Asians who have broken the percentage barrier that they have been accustomed to over the years, and it is a threat to the rest of the body in the student composition. This is a very competitive school system in the California system, and you begin to see that the university administrators are fudging on how they enforce and apply their own criteria. The minority as a convenience is very applicable in this context.

I don't know if that addresses your question about whether all should be treated the same, but I think that you've got to see that there are other issues that make it very complex.

MR. ALLEN. I think that is the issue that makes it complex that gives rise to the question.

MR. CHIN. The question is what is a minority?

MS. CHIN. Can I make a point on this?

COMMISSIONER CHAN. Yes.

MS. CHIN. To bring it back to the east coast, the situation at Harvard University is very similar where they're doing an investigation right now, correct? The thing there is just like at UC Berkeley. If you look at the pool to see who are these Asian American students who are admitted at such a high rate to Harvard University. I believe they're not the Asian American students that are the immigrants, that are of low-income, that are searched out like the black students, like the Latino students out of their minority search committee at Harvard University.

I think that something there exists and they do use minority for convenience. Then they will blame the Asian American students or Asian Americans as a whole for being so "smart" to use it against the other minority students.

COMMISSIONER CHAN. Commissioner?

COMMISSIONER DESTRO. I had a followup on that. The concern that I have is the flexibility in the admissions criteria and the degree



to which it can manipulate either the percentages—the great notion is you have to have a certain amount of diversity in the class. We're all confessing our attachment to the UC system. I graduated from Berkeley, and many of my law professors there helped write the original affirmative action plans. They were very proud of their handiwork and very distressed when the Supreme Court has some problems with it.

Nevertheless, I've often wondered if the focus many times isn't on the wrong thing, which is really what are your criteria for the student body as opposed to what percentages do you have of which group. We focus on the percentages of minorities and not on forcing the administrators at a place like Berkeley or a place like Stanford or Harvard to sit down under oath and tell us exactly what the criteria are for admission, and what do they mean when they say diversity.

I have seen very distressing reports of law school admissions that seem to indicate that many law school admissions committees are biased against the children of working class people. That would cut across a whole range of ethnic and racial groups. They're also biased in favor of geographic regions as well as certain kinds of socioeconomic backgrounds.

Have you looked at it that way at all? Maybe in your research, or do you tend to focus on it more from the percentage minority?

MS. CHU. I think percentages are a very easy way of looking at it, but that the Asian American community is not monolithic. You've got different classes, different ethnic groups, and by lumping them all under one category and one percentage, you're doing a great disservice to a great portion of the community.

MS. CHIN. I think also that we don't have access to the information as students that you probably could get from the universities, about income and the different characteristics that make up the applicant pools. So, I think it's very hard for us to do that kind of research, although those questions do come up.

MR. SAGARA. I just wanted to support what Margaret had been saying about a number of the English proficiency exams. This is not only the case in New York, it's also the case in Boston.

I'm not exactly sure of the name of the exam, but it's basically an English proficiency exam, which a student must pass in order to graduate, regardless of whether they have passed all of their other courses. Whether they have a Ph.D. or not. If they do not pass this course, they do not graduate. There have been examples of students taking this course seven times and some just giving up.

The other brief point I would like to make concerns what is a minority. The question in a sense is not minorities but justice, and from what I remember, the question people were focusing on minorities was that institutionally, structurally, the society was discriminating against a certain group. Part of affirmative action was to address some of this institutional racism. Perhaps civil rights has not yet moved to how do we deal with the successes. How do we start dealing with the success while there are still very pressing needs for other groups within the so-called minorities that can be buried now because there have been some successes?

COMMISSIONER RAMIREZ. This is very important and I'm thrilled that we have so many young people here to give us their thoughts on it, because if you look at the Richmond decision on set-asides and then the one in Alaska, what I see is a trend in the Supreme Court in tying civil rights protections to evidence of historical discrimination.

The overwhelming reality of historical discrimination against Asians is the exclusion from migration into this country. That is the historical discrimination.

But by definition, that does not give you a body of evidence of having been discriminated on this land, so by definition, if you see that that trend continues, and I'm not an attorney, but you could not, Asians could not ask for protections under certain laws in geographic areas where they did not have a history of more than 6 or 10 years.

Therefore, it is an issue of justice in the here and now, but the question becomes whether the body of law, the thinking now permits us to have justice at this point in time.

Then you have these conflicting outcomes for this group, the bimodal distribution of benefits, as was described by Dr. Nishi this morning, so it gets even more complicated.

It seems to me the collision course in which the locomotive engines are heading is towards each other.

DR. SUNG. On what basis is this? Are decisions of discrimination based upon historical experience? And then you said that the main discriminatory action against them was that they were excluded from this country, but that there was no other evidence to show that they were discriminated against. That's like saying: if you aren't here, how could you be discriminated against? That's number one. But even those that were here were discriminated against in many, many ways. There was the Alien Land Act.

COMMISSIONER RAMIREZ. No. What I was saying was if in Canton, Ohio, there were never any Asians, Canton, Ohio, cannot make an argument for set-asides, according to the Richmond decision.

COMMISSIONER CHAN. Because there's no fact to base on.

DR. SUNG. Because there were no Asians there at that time?

COMMISSIONER RAMIREZ. Today Asians may not be able to get access to local contracting, for example. That was the point that I was making.

DR. SUNG. In that case, then, is the Supreme Court basing that upon a law passed by Congress?

COMMISSIONER RAMIREZ. Their interpretation.

DR. SUNG. Well, then, it's about time to change the laws, because if they weren't there before, and then you say, "Well, look, we can't do anything or have any set-asides for you because you weren't here and you weren't discriminated against, but now there are large number of you and we can discriminate against you now because you weren't here before," then I think it is about time we had some changes in the law.

MR. ALLEN. If I may say so, I think the argument is not that we are free now to discriminate against you, but rather that the protections, equal protection of the laws and other protections are meant to guard against that. So there is no reason to rectify past discrimination, and we expect different laws to prevent present discrimination. That would be the Court's argument.

Now, if they fail, they fail, but that's what the Court was saying.

MS. CHIN. It's easier said than done, because look whenever there are black families that try to move into any suburb. They were never there before, but they were prevented from moving. That's the same thing, isn't it?

DR. SUNG. Smart girl.

MR. ALLEN. No, no, not at all.

MS. CHIN. Yes it is.

MR. ALLEN. No, I'm afraid not.

You are talking about what the Court has identified throughout this country as a pervasive pattern of discrimination against blacks, which includes residential discrimination. So to fail to apply laws against residential discrimination because people didn't live there would not be an analog to applying set-aside provisions to Asians in a place where there is no history of discrimination against Asians.

COMMISSIONER CHAN. Thank you, very much, everybody's comment.

In our Houston civil rights roundtable conference, a panelist related saying to the school administration, "If you want to categorize us as a minority, tell us. Or if you want to categorize us as a majority, tell us. But which way do you want to play? But don't do it to the most of your advantage." I think this more or less describes some of today's environment in the higher education institutes.

## Session V

COMMISSIONER CHAN. Ladies and gentlemen, the first speaker is the woman who couldn't come to the last session. Her name is Theresa Hsu.

### Harassment of Asian Children in Elementary Schools Statement of Theresa Ying Hsu

MS. HSU. My name is Theresa Ying Hsu. It used to be Theresa Hsu. I went through a lot of things like many people went through in this country. I wanted to be white so badly, I didn't want my Ying there. Now, since I know I am a Chinese American, nothing else, it will always be like that. So I put my Ying back in it. By the way, this Ying is no flower, like a traditional one. This Ying is an eagle. And we live for the American Eagle spirit in order to survive here.

I am the founder and director of Asian American Communications. It is the only education advocacy group established 4 years ago. It is a nonprofit organization. Actually, a lot of people were very surprised because one of the stereotypes is Asian Americans never rock the boat. We like to, "Row, row, row your boat."

Today my topic is harassment of Asian American children in schools. One of our major programs is we go to schools to visit the children, talk to them, visit the faculty members, and visit the principals.

For the past 4 years we have come across very prevalent harassment of our kids, almost in every single school we visited. Our problem is we don't have any definitive data, we don't have statistics. So I am going to talk about some major cases and I will make some recommendations.

The first case, a very famous one, occurred 3 years ago. There was only 5 percent Asian Americans, mostly Chinese Americans, in a school on the Lower East Side of New York City. They were constantly beaten up by other ethnic groups in that school. A lot of harm. You don't even know what happened. If you walk upstairs and downstairs—this is some of my stage effects—if you walk upstairs and downstairs, people would hit you and you don't even know why. You turn around, everybody is laughing. And what happened is that the Chinese girls started ganging together. They would not walk alone; they had to protect themselves. One girl almost lost her hearing, for a half an hour she couldn't hear.

They went to the principal in September and, you know, a lot of faculty members said Chinese American students are a teacher's

dream. So the principal never took action. By the time it was March, one girl organized 50 Asian American students together, and they got hold of a local Asian American lawyer. The lawyer wrote a letter to the chancellor. At that time, only in May, the several people in the group that started hitting everyone were suspended, so action was taken.

Now, this Asian American girl was very interested to ask these people, "Why do you try to harass us?" So the leader of the group said, "You Chinese kids are so smart. You know, we can't stand it." That's one of the reasons. Actually, when the girl testified in my seminar, she cried. Tears streamed down, because it has a lot to do with mental health in schools.

Another famous case is in one of the special schools in New York City. You know how many special high schools we have here. This kid has always been an A+ student, always. And, you know, the fire cracker is a symbol of our culture. The red color and the fire cracker is supposed to drive the evil spirit away. Anyway, some kids wanted to play a prank. They asked if four Caucasian kids and one Chinese kid, they wanted to scare the gym teacher. The Chinese kid made a very mild fire cracker, one inch long, by the way, to put in the locker. And what they said was: "Your model is the best," so they persuaded him to put that one in, but being a Chinese, he got very scared. By the time he got down the stairs and wanted to take it back, the gym teacher was just opening the locker—one second late.

Now, this kind of things happen all the time, and nobody reports it. When a Chinese American kid did it, somebody reported. The principal called in the FBI, fire squad, called in the police, called in the parent. The child was put in jail for 24 hours for felony. Then the child was suspended right away, and then referred to the Committee on Specialized—you know the special education evaluation, whether he is emotionally disturbed. He faced criminal charges in Bronx court.

Now, how can this child understand, because later he suffered 1 year's depression, wanted to commit suicide, because he didn't understand his identity. How can the other four kids go free, only a warning, and he was punished and suspended indefinitely by the superintendent. Later on he was very suicidal and he was in therapy for a whole year.

Just today I learned about one kid, about eight 8 old, who lives in a very poor neighborhood of New York City. He was waiting for the bus. Somebody hit him with a brick on the head. He ended up in the hospital. The parents were new immigrants from China, and

have no resources for anything. I must tell you where the kid is now, because I saw him today. I could cry for him. He is placed in an emotionally disturbed class. He cannot get along with anybody. Anybody looked at him, he said, "Why you look at me like that?" He punches people. He is full of hatred. He cannot trust anybody because he couldn't believe someone would hit him like that at the bus. Actually they received a large bill, medical bills, everything, and nobody ever gave a hand.

Now, the cases can go on and on. You know, a Brooklyn kid, a second grader, reported to the teacher that he and his sister had been attacked. So the teacher punished the people that hit him and his sister. At 4:00 when they walked away from the school, the kid who was reported had an iron bar and attacked him, almost killed him. Then, when they go to have a hearing, the other parent is very articulate. Because this Chinese parent did not know English, didn't know where to get legal aid, actually this kid was suspended.

Now, I want to go down to the root, what caused this in the school setting? First of all, of course, physically we are very small.

Cultural pattern: We are supposed to endure. Because if they tell the parents, the parent will say, "Something is wrong with you, you must have provoked it." If they keep on reporting to parents, parents say, "Confucius philosophy: if you don't bother people long enough they not bother you." The parents do not know the culture here.

Teachers' attitude: Many people say we are the teachers' dream—quiet, obedient, compliant, do the work. Even if we are poor students, performing very poorly, we don't have behavioral problems. So the faculty really does not take these kind of cases very seriously.

Now, there are some kids who do fight back. They get very angry, they fight back. But because they cannot speak very well for themselves, because of our cultural pattern, language pattern, language is the major barrier. Other people are speaking so fast that they couldn't understand it, so they couldn't speak up for themselves. We have a new rule now, a group of Korean of parents asked me to address their issue. They say, "We just don't understand. In Korea, two people talk in classroom, both will be punished. We don't understand. There is a new rule in America. If two people talk in the classroom, only one kid is punished, and it will be the Korean kid."

These things are happening every week. We can go higher. We can talk about institutional discrimination in the school system. How many Asian Americans are on the 10th floor? We can count

the fingers. How many are in the central board? Five, okay? What is the percentage of Asian America assistant principals? 0.5. How many Chinese principals, Asian principals are there? Nine. No one has managed to become a principal outside of Chinatown.

My recommendation is that the Commission take some kind of action. We must have definite studies. Whether it be in the form of a taskforce, whether it be in the form of getting a grant from foundations to do an extensive study, we must have statistics. We want to see the prevalence of these problems documented.

Second, we must ask the school system to establish a support system. Maybe there is a contact person in each school, each district and the central board.

Thirdly, the curriculum. If you look at New York City or even New York State, there is nothing taught about Asian American history and culture or literature. Nothing. If you ask them, say, "Do you have anything about a Chinese American?" They will answer you, "Oh, yes, we have China, Korea in the global history."

I say, "So?" I say, "Chinese American, Asian American. I didn't say Asian." It took them 5 minutes to recover.

We must teach them, because we are a contributing minority. And if other children know about our contribution, our status being bone fide immigrants or citizens here, the other kids will respect us a lot more.

COMMISSIONER CHAN. Thank you.

The next one on my list is Dr. Diwan.

### **On Discriminatory Obstacles Asians Face In Career Advancement Statement of Romesh Diwan**

DR. DIWAN. Thank you.

My name is Romesh Diwan. I teach economics and I am representing the National Federation of Indian American Associations, that is the national association of the whole country. Indians who have settled in the U.S., who are citizens, have federated themselves.

I am personally grateful to Dr. Harriet Duleep, because she invited me to share with you some of the ideas of the National Federation of Indian American Institutions feels strongly about. I also wish to take this opportunity to thank the Commission and simply Dr. Duleep for producing a highly competent study on the economic status of Asian Americans. Given the difficulties with doing such a study, it is well researched and fully comprehensive.



The Asian American community is vibrant and dynamic. A number of Asian Americans have made singular contributions. In music, Zuben Mehta and Ravi Shankar have become virtually household words. We are proud of the fact that Michael Chang has brought a trophy to the United States 2 weeks ago. A large number of Asian Americans have made useful innovations and have set up a number of companies to help the economy. These changes and successes are all part of the profile of the Asian American community.

The Asian American community is committed and fully involved in furthering the interests of the United States. The United States is also part of the world, and the world order is going through some fundamental changes. A new economic paradigm exemplified by Mico Electronics is getting momentum. The distinguishing feature of this paradigm is that it is international in character. The mark is globalizing and the correction process is becoming international. The U.S. is no longer on top of the world; it is instead a part of it.

The M.I.T. Commission on Industrial Activity has suggested in its book *Made in America*, that to maintain its living standards the U.S. has to develop strengths. Asian Americans provide the U.S. with an international company insofar as they are conversant with the language and culture of the U.S. and the Asian countries of their origin. They can successfully mediate the trade and economic relations between the U.S. and the Asian countries.

I am more familiar here with the Indian Americans. I have become more familiar with the Chinese Americans too, sitting here. My impression is that the experiences and feelings of Indian Americans are similar to other Asian Americans. There are over one million Indian Americans in the United States. They are in all parts of the 50 States and involved in all sorts of professions and industry. A number of their achievements have brought credit to the United States. Two of our members are Nobel laureates, in medicine and physics. A number of these professionals who are named to positions in prestigious universities, and are listed in *Who's Who in America*. A large number of them have made valuable contributions to their companies and are also joining the captains of industry that run a multimillion dollar electronics company in the Silicone Valley. There are others doing the same thing on a somewhat smaller scale, thus making major contribution to the U.S. economy. Collectively, they embody a very large amount of R&D which is necessary for the United States to succeed in international competition.

It's not possible to provide an adequate estimate of this R&D asset. Some guesses place it in billions of dollars. This represents a major asset that the United States has.

Unfortunately, in spite of the high qualifications, the enormous amount of hard work they have put in, and their achievements and professional activities, many of them have the distinct perception that they cannot advance in the fields in which they are so eminently qualified.

The main obstacle to progress in their view is discrimination. The statistics tell the story. Our members are not presidents of banks, corporations, foundations—and we are told these positions are filled not on the basis of politics.

As the report points out, we are not represented in managerial positions. The experience in the field has been that there is an invisible ceiling that we cannot cross because of the past origin.

Quite a few members of the community have found it necessary to go to court to seek redress to these injustices. They're discovering that the rules of the game have been written in such a manner that there is no easy way out. The procedures for promotions and hiring are complex and involve confidentiality. Accordingly, decisions are made in secret. In such cases, it is virtually impossible to prove the act of discrimination, even if everyone knows the case. Who knows the case is convinced about the fact of discrimination.

They are finding that access to the court is extremely difficult. The court procedures are highly costly, they also regard a lot of confidential information not available to the person who feels he's been discriminated, yet the burden of proof seems to be on the person. As a result, a successful outcome becomes virtually improbable.

The fact and the perception of discrimination is alienating and frustrating. The recognition that we cannot advance beyond a certain level because of one's national origin, race, and belief is disconcerting.

Our members present a valuable R&D asset and resource; discrimination reduces the value of this asset. Discrimination then is twice unblest. It hurts those who are affected directly. It also hurts the society. Turning a strength into a weakness.

In view of the fact that the U.S. is struggling hard to maintain a share of the global market necessary for maintaining its prosperity, discrimination is too costly for the U.S. in the current situation. We can ill afford it.

The current feeling among the population is that the civil rights of minorities, affirmative action rules, and policies to reduce and eventually eliminate discrimination, are not given the desired level of priority by the Government and the public. The Reagan administration did a lot to promote this general idea. Some of the recent decisions of the Supreme Court have made it all the more difficult to combat discrimination.

The Commission on Civil Rights has therefore a large task ahead. We suggest the following agenda for action:

One, the Commission should place the fact and perception of discrimination on the public agenda for discussion and debate, and I'm sorry to see that there are not many people here because this would have been a good audience for this to be made public. This requires setting up a conference involving the U.S. media.

Two, the Commission should analyze the cost of discrimination to the U.S. economy in terms of slowing down of the economy, loss of employment and international competitive strength. It might be useful also to develop some estimates, for example, R&D asset value, of the Asian American community.

Three, the Commission should actively participate, along with the minority communities, to propose and support legislation that develops a process to eliminate once and for all, the fact and form of discrimination in the U.S.

COMMISSIONER CHAN. Thank you, Doctor.

The third one on our list is Dr. Betty Sung.

Dr. Sung, please.

## **Changing Targets of Discrimination**

### **Statement of Betty Sung**

DR. SUNG. I'm Professor Betty Lee Sung. I teach at the City College of New York. My topic is changing targets in different levels of discrimination against Asian Americans.

I think that formerly discrimination was directed against the lower classes, the lower socioeconomic classes and those forms of discrimination were very direct and blatant. For instance, the accusations against them were that they work for cheap wages, they lower our standard of living, they're dirty and poor, they're heathens, they live in crowded ghettos, they send money back home to the homeland. The forms of discrimination took on the form of bodily attacks, persecutions, massacres, exclusion laws. We were kept out of public places, and we were not socially accepted. I could recite for you pages and pages of laws that discriminated against us. In the west, we were labelled the yellow peril. Our

experiences were very similar to the blacks in the south—in fact, we were the blacks of the west.

Those forms of discrimination were very obvious, very blatant, very direct, very severe. But I think that today, with the new law that was enacted in 1965, a new type of immigrant is coming into this country, and these immigrants are better educated, many of them are professionals, they enjoy a high standard of living, they want to live in good neighborhoods, they have money and they are willing to spend it, they bring money here instead of remitting it as was one of the accusations against the early immigrants, and today, they are creating jobs in many depressed areas, instead of taking jobs away.

In fact, they're bringing prosperity to many areas. And you would think that on account of this, that they would be welcome, that people would appreciate them, that there would be some credit given to these people. And, yet, as Theresa Hsu just said a moment ago, why did they hate the Asian kids? Because they're too smart.

This is why on television and in the media and so forth, instead of appreciation, we get a lot of bashing. If anybody ever watches "Adam Smith's Money World", I think he takes the star for bashing Asians, especially the Japanese. The inference is they're taking the jobs away, they're buying America, they are so smart that you can't compete against them, and you get this constant reinforcement of this type of stuff on his program that I guess you would develop a sort of a phobia against Asians and that you can't compete against them.

At the same time, we are blamed for loss of jobs, and we've already mentioned the quotas in the colleges. This has been repeated many times, that in order for a person to be accepted at Harvard, and that has been shown by many studies done by students and others that you have to have 100 points higher in your SAT scores than regular admittees.

All of that has been gone over, so I won't dwell on that as much, but this discrimination is not directed against the lower classes and it's not very obvious; in fact, if this information had not been brought out by Asian students who were denied admission to some of the better schools, I guess you wouldn't even notice it. And then you have a hard time proving it.

This kind of discrimination is directed against the elite, the best of our students, the professionals. This is what I mean by the changing targets and the different levels of discrimination.

I have an article here that says that a number of companies have come into the northwest and they have established industries there

in very depressed areas, bringing into the area prosperity and a large number of jobs. But instead of being appreciated, these people are feared, they are resented and at the same time, although they appreciate the fact that these entrepreneurs and investors have brought in jobs, they are resented and disliked intensely.

This would not be true for other people. We have other investors, Australian people, British people—in fact, the largest number of foreign investors in U.S. industry are not the Japanese, but are British, Canadian, European, Australian, and yet nothing is ever said about these foreigners coming in to invest in this country. Yet, whenever you see Hong Kong investors, Singapore investors, or Japanese investors coming in, then it's always the Asians are taking over the country.

When they come in, and buy real estate or buy houses or buy into factories and so forth, it seems that prices are always jacked up when Asians come in because they say those guys have got money, let's charge them more. This is especially true in areas where people want to buy into houses, like in Flushing and in Brooklyn, when they heard the Asians are coming in, then the prices go up very rapidly. And then not only are they charged more, but the local people think—they're raising the real estate prices which is a benefit. They'll say they're pricing us out of the market.

I think one of the favorites that Adam Smith does is show this picture of a Japanese wealthy guy riding around in a limousine. Are you a viewer of "Adam Smith's Money World?"

COMMISSIONER DESTRO. I've seen it.

DR. SUNG. I think Adam Smith has shown several times—he shows this Japanese guy riding around in a limousine in Honolulu and this Japanese person will point out to this house and say I want that one and just make an offer. He will walk in the door and offer a price that they can't resist and fork over in cash. This sort of gives people a very false idea of what the Japanese are about or what Asians are about.

Let's take the example of when Lieutenant Governor S.B. Woo was running for the Senate. He's Lieutenant Governor of Delaware and he decided to run for the Senate. When he was Lieutenant Governor, he brought into the State of Delaware a number of investors in the State. He also brought in contractors that brought in trade and commerce to the State.

Yet, when he was running for Senator, his opponent kept accusing him of selling America, selling the State, instead of saying, "Thank you, you brought in this investment that has enriched the State." He was accused of selling America.

I have an article here of May 8, 1989, from the *New York Times* and it says—"On the Olympic Peninsula west of here, which is Seattle, news of two biggest economic transactions in the area's history might have been greeted by parades in the chronically depressed region. Instead, the new Japanese owners of the area's largest paper mill and a resort site are being snubbed as colonial masters by some of the long-time residents."

Another Japanese firm bought an aging paper mill in Pacific Northwest in Washington. They spent 75 million and spent another 500 million but people were very uncomfortable with the Japanese company in spite of the fact that it was a depressed area, and in spite of the fact that that company donated an athletic field to the town. In the State of Montana, they attempted to pass a law banning foreign investment in a State law and this law was aimed at the Japanese, not foreign investors in general.

We can see that discrimination is now taken a turn against a different target, directed at different levels of Asian Americans.

COMMISSIONER CHAN. Thank you, Dr. Sung.

The next on my list is Mr. Jackson Chin.

Mr. Chin?

### **Perspectives on Immigrant Workers Statement of Jackson Chin**

MR. JACKSON CHIN. Good afternoon. My name is Jackson Chin. I'm the education director for the Chinese Staff and Workers Association (CSWA). At my side is Mr. Wing Lam who is the program director of the CSWA.

First of all, who are we? We are a 10-year old grass roots community-based organization in Chinatown and we have a board of directors comprised specifically of Chinese American and new immigrant workers predominantly in the low-income to moderate-income range. This group makes every effort to secure basic rights at the workplace for immigrants as well as Chinese Americans in the construction industry, in the restaurant service industries, and the infamous garment sweatshop factories that are in our communities. I would like to indicate that my talk will appear to jump in different directions because I have quite a few things I'd like to tie up.

Some of the themes that have been mentioned earlier are the devastating impacts of the Immigration Reform and Control Act; the employer sanctions law drives undocumented aliens underground

in the labor market as well as creating discriminatory hardships for those who are documented.

We have also heard people mention anti-Asian violence. I would also add to that that there is a high correlation between working conditions which are extremely overbearing and oppressive and immigrant families who are now at risk. Mental illness is on the increase, as is domestic violence as you've already heard.

Also, I want to indicate that in this particular 8-year period, we have seen the dismantling or the disabling of many labor and civil rights law enforcement mechanisms and so we see a different context from where we started in the 1970s. We see a high court that is also unwilling to read or interpret civil rights laws, so that we can effectively address some of these pervasive and enduring discrimination difficulties and problems.

My speech deals with the uses and the abuses of public government funds and how they are discriminatory and how they create adverse impacts on immigrant and minority communities. One such example is a local program which is a multimillion dollar program funded by Federal Government through HUD and is contracted out to the city. As you know in many of these Federal programs, the city government is the prime contractor. There is no direct access from the communities to the Federal Government when it comes to these funds. I use this particular program to illustrate what is going on, not only in this city, and has been going on for a while, but what will continue to go on unless groups such as this Commission begin to investigate these very important matters.

I'm talking about something called the Intercity Rehabilitation and Apartment Repair program. In this particular program, the city government has decided that it's much more cost effective to basically avoid any kind of prevailing wage or union kinds of employment situations, and instead look into various communities to hire cheap labor.

What I mean by cheap labor is being paid \$5 an hour with no benefits and with no true training skills being conferred and no kinds of certification for prospective work in the construction industry. In this particular situation, it's nothing more than a cheap labor program in providing basic city services.

The workers that we have been dealing with include not just our community but also African American construction workers who have just not been able to get access to any of the industry's construction and trades.

Going back to this program, we have workers working under the most severe conditions in any kind of renovation and repair kind of work. They deal with unsafe working conditions, they have no medical benefits, they remove rubbish, heavy kinds of work, they did the plaster, the sheetrocking. All of these skills and all of these particular kinds of work are at the lowest end of the construction industry, so you have to understand that these minority groups and these immigrants are not going to have real access into construction and trade industries after they leave these programs. There is no apprentice certification, there is no access to construction, and this is one area where many minority groups are trying to get into.

We filed a complaint with the United States Department of Labor. It is now a year later and we have not heard from them.

We think this is discrimination, even though the contractor is a Chinatown contractor, the Chinese American Planning Council, but it is the city's policies which encourage this kind of treatment towards minorities, and if we are going to talk about providing real skills and we are trying to make all efforts to integrate the construction trade industries, this is certainly not the kind of program which will do so.

I think that there's a design to this policy. We see that immigrant laborers are now the new pool of cheap labor. Of course, \$5 an hour, I suppose, is a lot better than making \$2 an hour in a sweatshop. I don't know. That's another issue we can discuss.

We have not seen any dramatic improvements in the sweat shops in Chinatown as well as sweatshops that are now in the satellite boroughs. Unions and labor laws have been insufferably ignored. There is no sense of systematic law enforcement on the minimum wage and overtime provisions. None at all.

In fact, last week I was at the local Department of Labor and an official admitted to me, "We know there are sweat shops open to 11 p.m. at night, 6 days a week." I said, "If you know that, why can you not initiate investigations and go after these particular kinds of violations?" He said, "We need complaining parties, otherwise we don't have a case." I asked, "If you had an investigator—an investigator testifies through looking at the payroll records, through interviewing the individual workers, that they've been working 60 to 70 hours, 10 to 12 hours a day, not being paid overtime—can't you do anything about it?" And, in effect, he said he could not.

The enforcement is with Federal and State and local enforcement agencies, but if they are not doing the job, then what you will continue to see is this kind of economic predation and this type of



disregard for civil rights and labor laws. These are interconnected kinds of protections that we need to uphold.

One other thing—in talking about minority voting rights and in talking about disenfranchisement and about all of these different aspects, not being able to get full access to government services because you cannot read things—you cannot get information because there is no provision for monolingual or English limited people; we see that there's a pyramid of disenfranchisement and exclusion from the start.

Because we have 6,000 people who are registered voters in the Chinatown community, I don't think that we can compel or demand that city contracts reach our communities and that we can get the kind of attention we need from government. And that we can get the kind of meaningful access to participating in political affairs.

As a matter of fact, New York City is undergoing a charter revision process at this point, which has primarily excluded many of these groups in the community and what we would ask is that this city recognize its immigrant traditions. Say in this city constitution that, "yes," we must have a structure that analyzes, that looks at the needs of these immigrant groups, of these monolingual groups. How are we going to get to them? How are they going to know what their rights are, what their defenses are in administrative proceedings? How are they going to know that they can indeed fight back in the labor arena and as well enjoy some of the fruits of their taxes?

I ask this Commission if it can in any way look into these issues. The most important issue is the source of potential jobs, of potential training skills that will indeed empower and integrate some of our most closedup job industries. If you can, try to look at this whole issue of public funded monies, how these funds and programs, so-called job programs, are going to be used in the future. Can the Federal Government do more enforcement and create standards to redress this particular phenomenon?

Thank you.

COMMISSIONER CHAN. Thank you, Mr. Chin.

At this point, I'd like to ask Commissioner Ramirez, do you have any more comments?

COMMISSIONER RAMIREZ. I just want to say that the testimony that has been presented will be very helpful in presenting a more accurate and comprehensive picture on the status of Asian Americans in this country. I would say that the most important thing that can happen through this process is the clarification of issues for the community itself, and the development of information

**and strategies and approaches that the community itself can use in the process of empowerment.**

**I thank you all for sharing what clearly have to be heartfelt issues and I thank you also for defending the Constitution of the United States. I believe that when people call to task policies and practices in this country which violate the fundamental principals upon which this country was founded, they are defending the Constitution and for that I thank you.**

# **San Francisco, California**

**July 29, 1989**

## **Opening Remarks**

**CHAIRMAN CHAN.** Ladies and gentlemen, this meeting shall come to order. I would like to introduce our fellow commissioners and chairman first. On my extreme right is our chairman, Bill Allen. Commissioner Bob Destro, Commissioner Ramirez, Commissioner Buckley, and Commissioner Francis Guess. Our staff director, Mr. Melvin Jenkins. Mary Baltimore, the staff assistant to the Staff Director. Dr. James Cunningham, Director of the Office of Programs, Policy, and Research. And Mr. John Eastman, Director of Congressional and Public Affairs. Also, I would like to thank a couple of persons who contributed a lot of energy and effort to these roundtables: Dr. Harriet Duleep and my special assistant, Gloria Lam.

At this point, I would like to introduce Honorable Lance Izumi.

Mr. Izumi serves as deputy director of Writing and Research for Governor George Deukmejian. He is a graduate of UCLA and the USC School of Law. Mr. Izumi will now share some opening remarks with us.

**MR. IZUMI.** Thank you very much, Commissioner Chan. It is my pleasure to welcome the members of the United States Commission on Civil Rights to California. And to praise you in organizing this conference on Asian American issues in the 1990s. Throughout its history, and especially during this past decade, the Commission has been a great source of fresh thinking on a wide variety of issues. The Commission has shown a lot of courage in attempting to go beyond the standard rhetoric to listen to all points of view, and to truly examine the philosophical and empirical underpinnings of various programs and arguments.

We are therefore honored to have you visit our State. As the State with the largest population of Asian Americans in the Nation, more than 2 million by some estimates, we in California are naturally greatly interested in the topics you will be covering in this conference. Governor Deukmejian is fond of calling California the leadership State, and the opportunity State. Now, these are not just idle boasts. Rather, our philosophy has been to allow our people the utmost freedom to innovate, to create, and to advance.

History has proved that prosperity and a higher standard of living are the results not of government mandates, but of the

ordinary people being given the opportunity to use their talents to the fullest in the marketplace. And certainly Asian Americans have taken advantage of this. In California, many of our most economically energetic communities are those where Asian Americans have decided to settle. One just has to look at the Little Tokyos, the Korean towns, and the Little Saigons to see how true this has been. And if one takes a look at a variety of other indicators, one must conclude that the American dream is very much alive for Asians in this State.

This is not to say, however, that problems do not exist for Asian Americans. Indeed, as we move into the last decade of this century, Asian Americans are faced with a number of serious problems. For example, while Asian Americans are overwhelmingly law-abiding, they are often the targets of lawbreakers. Whether the victim's a Korean shopkeeper, an elderly Japanese retiree, or a new Vietnamese immigrant, crime effectively deprives their right to life, liberty, and the pursuit of happiness.

We need to ask, why are Asians so often the victims of crime? Who are their victimizers? And what can be done to prevent future victimizations? These types of questions are something that I believe the Commission can help in answering.

Another area of mounting concern for Asian Americans is whether racial quotas are being used to keep down the number of Asians entering certain institutions of higher learning. Former U.S. Assistant Attorney General William Bradford Reynolds has observed that, quote, "Where admission policies are skewed by a mandate to achieve some sort of proportional representation by race, then inevitably there will be pressure to squeeze out Asian Americans," unquote. Now, this is certainly an issue that, again, the Civil Rights Commission would do well to address.

Other issues involving immigration, the elderly, and the achievement of a truly colorblind society should also be of great importance in this coming decade.

Despite these problems, however, you should not lose sight of the fact that Asian Americans achieved many successes in our great country. We should not be afraid to be proud of these accomplishments.

Therefore, let me again thank the Commission for coming to California. I'm sure that this day will involve much constructive discussion, and I'm sure that we will all be, at day's end, much more enlightened. Thank you very much.

CHAIRMAN CHAN. Thank you, Lance.

At this point, I would like to ask my chairman of the subcommittee, Commissioner Ramirez, to make some remarks.

COMMISSIONER RAMIREZ. Thank you, Commissioner Chan. It is very much a pleasure to be here in San Francisco in this, the third of the Asian roundtables.

When Commissioner Chan first came on the Commission, he was the model—not the model minority, but the model of what a person should be when they serve on a board of the Commission. He had the interests of the broadened issue of the Commission in mind, but he also had the courage and the determination to advocate for some very specific goals. And not surprisingly, one of those goals was the inclusion of study, research, factfinding, and understanding about the condition of Asian Americans in this country.

I was very proud to be associated with Commissioner Chan. I still am. And very proud to have seconded his motion that we should hold these Asian roundtables. It has been a very enriching experience to go across this country and to listen directly to what Asian Americans have to say. The Commission has always been at its finest when it hears from the people who are affected by the condition that must be understood. And as we went to Houston and to New York, we began to get a full and rich picture of the challenges, the opportunities, the barriers, the doors that are opened and the doors that are closed, to Asian Americans.

We also got a very encouraging and hopeful picture of the unbounded strength that exists in the Asian community; indeed, of the unbounded strength that exists in an immigrant community regardless of the point of emigration.

Therefore, it became for us a sense—a source of significant excitement that we would at least come to what we in Spanish call “la mata,” the source, if you would, of much of the energy and creativity and hope of the Asian community, and that of course was California. We were very pleased to be here.

The power of the Commission lies in the strength of its factfinding, the courage of the position that it takes, and the persuasiveness of its arguments. We are an agency that has no direct power. The only power that we have is the power to subpoena witnesses to present information to us. We have no enforcement authority. Indeed, tradition and the operating history of the Commission has led to the practice of our not focusing on specific cases. Specific cases are appropriately referred to the agency of the Federal, or in some cases, State government that has the authority and responsibility and the jurisdiction for those specific cases.

The Commission is a factfinder. It is a watchdog. It is a persuader, if you would. It has the responsibility to report to the Congress and to the President about the need for new laws and new procedures in Federal Government that will protect the civil rights of Americans, and more importantly, I think, that will advance the cause of equal treatment for all Americans under the law.

That is what we are. In a sense, these roundtables, therefore, could be useless. They could be useless because we have little power, other than the power of referral, to do anything with the information that you give us. But they will not be, and they do not have to be. Because first of all, they are the base from which this Commission must assess its responsibility to do further factfinding. Number one. Secondly, because from the proceedings of these roundtables, we can make referrals to the Congress and to the executive branch about specific issues.

But most importantly, I think, these roundtables become powerful functions because they indeed empower the people who come before the Commission with information, with perspectives, that they can then use in their own quest for the articulation of their own development.

I have to tell you that in 1968, when I was a much younger woman, I listened to the hearings of the United States Commission on Civil Rights held in San Antonio, Texas, on the condition of Mexican Americans in this country. They were the very first time that a Federal Government agency had ever paid attention to that community. I listened, and indeed those very hearings were a tremendous motivation for my own professional development, and the work that I would choose to do throughout my life. But more important, the facts that were developed became very important tools for that community, as they advocated before government and society for the betterment of their community. And some of that data is still useful today.

It is my hope, then, that these Asian roundtables will not only be what Commissioner Chan intended—that they be a window for the Commission to a better and deeper and broader understanding of the Asian reality in the United States of America—but that they will be useful to the community itself, and that people within that community will use these forums, these roundtables, as either a starting point for new initiatives, or a source of reinvigoration of ongoing initiatives.

Thank you very much for cooperating with us, and we hope that we will be of service to you.

CHAIRMAN CHAN. Thank you, Commissioner Ramirez.

**At this point, I would like to start the first session.**

## **Session I: An Overview**

CHAIRMAN CHAN. The first session is an overview session.

### **Putting Flesh on the Invisible Minority**

#### **Statement of Patrick Andersen**

MR. ANDERSEN. Commissioners, my name is Patrick Andersen, and for 7 1/2 years I have served as managing editor of *Asian Week*, an English-language weekly paper covering ethnic-specific news of interest to Asian Americans. The newspaper itself has published continually for 10 years, from its headquarters in San Francisco's Chinatown. We also have a full-time office in Los Angeles, and maintain telephone contact with Asian American leaders throughout the country.

I originally intended to inundate you this morning with statistics proving that a so-called "glass ceiling" prevents Asian Americans from realizing America's promise of equal opportunity. But in the few minutes allowed to me, I would prefer to give just a brief review of statistical matters and focus instead on what I think is a representative case history.

In yesterday's edition of *Asian Week*, you will find charts containing information pulled from the 1980 census. This outdated information has only recently been made available to us, but that's a subject worthy of another public hearing, which we won't go into right now.

I would like to call your attention to just a few statistical points. The 1980 census found that 79 percent of Japanese Americans aged 18 and over spoke English either, quote, "well," or, quote, "very well." This group had a per capita income of \$7,616. Among Chinese Americans 18 and over, only 68 percent spoke English "well" or "very well," yet per capita income was \$7,476, just \$140 less than that for Japanese. On the other hand, 88 percent of Filipino Americans spoke English "well" or "very well," but their per capita income was \$6,915, which is \$701 less than that for Japanese.

So even though language barriers are a very real problem, statistics would indicate that something else is at work here. As you investigate possible explanations for Asians' difficulty in achieving their potential, you must look beyond the simple explanation of lack of English fluency.

One more quick tidbit: You already know that Korean American workers are more likely, percentagewise, than any other ethnic group in America to be self-employed. The most common explana-



tion for this is that Korean immigrants, because of language and especially cultural barriers, have been unable to make it into higher levels of corporate America and have thus gone into business for themselves in large numbers.

I have pulled census figures for the number of workers in the five largest Asian groups who were self-employed, and further broken these figures down into total versus foreign-born.

It is true that at least for four of the five groups, most of the self-employed persons are foreign-born. Seventy-seven percent of Chinese were self-employed, 96 percent of the Koreans, 81 percent of the Filipinos, and 90 percent of the Indians. But the group with the largest actual number of self-employed was the Japanese Americans, and only 25 percent of these were foreign-born.

So you should also not accept the easy, explanation that immigrants' cultural backgrounds are what make it difficult for Asians to achieve their full potential in American businesses and institutions. While cultural barriers are indeed a part of the problem, they are only a small part.

And finally, I would like to tell you about something that happened just a few weeks ago which touched me deeply, and I think indicates the type of barriers facing Asian Americans. I spoke to a 16-year-old student in Los Angeles County, whose name is Jeffrey Chen, about serving an internship with *Astan Week* this summer so he could get some writing experience. He told me about the high school he attends, and for his first assignment I asked him to write a feature about the school, which is published in this week's edition.

This high school is actually a 6-year college prep program. Would-be students have to score well on a college entrance exam to get into the seventh grade at the school. The students attend summer school every year to make sure they fulfill all the academic and extracurricular requirements for admissions to universities of their choice.

More than half of the entering seventh grade class at this high school this year is Asian. Their reason for choosing this school is that it will increase their chances to gain admission to top universities. In fact, the school keeps sort of a scorecard on these things. One hundred percent of last year's seniors graduated, 96 percent are going to 4-year universities; 32 students are going to UCLA, 20 to UC Berkeley, 6 to Stanford, and 1 to Harvard.

What touched me was the lengths to which these students have to go to get into a good school. Obviously, their parents have heard

about the alleged quotas for Asian university students, so the children have to start young. Think of it—having to take an entrance exam to compete for admission to a seventh-grade class. In order to prepare for the entrance exam, these kids probably have to start cramming in the fourth or fifth grade. And who knows, maybe they even enroll in special correspondence courses, at an age when most children are busy just being children.

Perhaps I am overstating the case, but the mountains of statistics that we have at *Asian Week* didn't touch me like Jeffrey Chen's story. The perception that universities will limit the number of Asians admitted can create anxiety not just for high school students, but even for children in grade school. I suppose it's just a matter of time before Asian American parents will compete to get the kids into the best kindergartens, which of course means that the successful applicants will have to have letters of reference and diplomas from the more prestigious pre-school programs. Where does it stop?

Thank you very much for inviting me this morning, and I would be happy to answer any questions.

CHAIRMAN CHAN. Thank you, Mr. Andersen. I think we will have a discussion at the end of this session. My second on the list is Mr. Henry Der.

**Employment Opportunities (The Broken Ladder, 1989) and  
Education (An Update on Berkeley's Admissions Policies)  
Statement of Henry Der**

MR. DER. Good morning, members of the Commission. Thank you very much for the opportunity to address this forum on the Asian American Civil Rights Issues in the 1990s. I'll use my time to focus on two very large areas. One, on promotional barriers to Asian Americans in the workplace, and what are some of the attitudes of the Asian Americans as recorded in a survey that was conducted here in the San Francisco Bay Area. And secondly, I would like to just use a minute to give this Commission an update on the university freshman admission problems at University of California, and the implications of the plan.

In the U.S. Commission on Civil Rights report, *Economic Status of Americans of Asian Descent*, authored by Harriet Duleep evidence was found that the relative earnings of American-born Asian men declined with level of schooling. And that adjusting for occupation and industry, native-born Asian American men with high levels of schooling earned less than their comparable non-

Hispanic white men. The report goes on to call for further investigation, further collection of data, further review as to possible discrimination against those individuals who seem to be very well educated, but are not being rewarded on a commensurate basis in terms of promotions, jobs, and leadership in the private and public sector.

Last month, Chinese for Affirmative Action released our *Broken Ladder 1989 Asian Americans in City Government* report. For the last several years, we have been tracking the representation of Asian American professionals. We've also been studying how well or not well they have been advancing to administrative and managerial jobs.

In the city and county of San Francisco, there are approximately 27,000 city workers. And among the 1,700 professionals in city government, over 27 percent are Asian Americans. We looked at approximately 31 major city departments out of 60 in San Francisco, with at least 30 professionals employed in each of these 31 major city departments. And, if we review 1980 census data, which established 21.7 Asian American representation in the population—and a very, very slight decrease in terms of Asian American representation in the work force—we're around 21 or 22 percent in the work force.

As you can see from figure 1, out of these 31 departments, about half of them meet work force parity of 22 percent. And many of those departments are departments that we would label as finance operations, such as department of public works, public utilities, health—organizations and departments that hire accountants, engineers, and the like.

The second chart shows that notwithstanding a very astounding 27 percent representation of Asian Americans in the professional category, we are nonetheless ghettoized, and deprived of professional opportunities in many, many other city departments such as political offices, social services, regulatory agencies, arts, recreation, judicial services, public safety, and law enforcement.

In other words, where Asian American representation is above 22 percent, it would be in finance operation, education, and health care services. But the clusters of other city departments have a very low representation of Asian American professionals. We calculate that among these city departments, around 15 or 16 that are low in Asian American professional representation, that they could easily hire Asian American professionals to meet work force parity.

COMMISSIONER RAMIREZ. What is that line—

MR. DER. This line here will be the 22 percent parity.

COMMISSIONER RAMIREZ. Okay.

MR. DER. Now, figure 3 looks at the representation of Asian Americans in administrative and management positions. There were approximately 30 city departments, most of them major. And here you see that out of the 30 city departments with at least four administrators, only four of these city departments achieved work force parity with regard to Asian Americans in administration and management.

This pattern is very consistent with what we have observed for the last two decades. It was not until very recently that the current mayor appointed the first Filipino and the first Chinese American to head any city department in the entire history of San Francisco. It is not a very strong record over the many, many decades and years of Asian Americans working in the city government.

The fourth chart looks at the ratio of administrators and professionals for the four major groups: whites, blacks, Asians, and Hispanics. And this particular chart shows that, whereas whites constitute roughly 56 percent of all professionals in city government, in the administrative and management category, whites constitute well over 70 percent of all administrator and managers.

Now, let me just quickly point to blacks and Hispanics. For blacks, they're roughly 9 percent of all professionals, and roughly the same percentage of representation in management and administration. For Hispanics, they're underrepresented as professionals, and they're also underrepresented as managers, but yet their 5 percent representation in professional categories is reflected in 5 percent in management. But for Asians, we are the one exception. For even though Asians are 27 percent of all professionals, Asians are only 11 percent of administrators and managers in city government.

The next chart shows more graphically Asian representation in the administrative and management category and Asian American representation in the professional categories in the 31 major city departments. And you can see that in many of these departments in agencies where there's heavy representation of Asian American professionals, Asians are poorly underrepresented as managers. This kind of depiction shows that Asian Americans are in the trenches, grinding out the work. But they're not being rewarded in terms of promotion and upward mobility opportunities.

Oftentimes, Asian Americans have been stereotyped—that they're very happy, very satisfied with their place in life, and that they don't

want administrative and promotive positions, because they don't have the kind of personality to suit those kinds of leadership and management responsibilities. And I would commend to this Commission another study that our organization was involved with, entitled, *Empirical Study of Barriers to Upward Mobility of Asian Americans in the San Francisco Bay Area*.

This study involved a survey of 308 Asian American professionals and managers. They came from the private sector in a variety of jobs from engineering to health services to architecture, and a good half of the sample respondents came from a major corporation; very mature, great jobs, security for all workers. And this particular survey showed—without any difference between those that worked for this major corporation and all others from diverse background—that when respondents were questioned as to what they thought were employment or promotional barriers, more than two-thirds cited corporate culture, management insensitivity, and lack of informal networking as problems to upward mobility. Lastly, over two-thirds cited racism as a problem in advancement.

Now, interestingly, even though two-thirds of all the respondents, Chinese, Japanese, and Filipinos, cited themselves as either American or Asian American, three-fourths of the Chinese respondents, three-fourths of the Filipino respondents, and 60 percent of the Japanese respondents felt that language difficulty was a barrier. The Japanese figure of 60 percent is an astounding figure when we consider that in the San Francisco Bay Area, only 32 percent of all Japanese are foreign-born.

I would submit to this Commission that the racism and the stereotyping that exists in the workplace today has even hoodwinked Asian Americans, many of whom are American educated, into believing that they have an English language difficulty and they cannot communicate in the workplace; that it's their fault, because they're not experiencing these kinds of promotion opportunities.

So I would commend to this Commission that as you go beyond the report that you just released, that you look into these qualitative issues of racism, stereotyping, and lack of promotional opportunities, because all these studies and surveys show that well over 60 percent of Asian Americans want advancement because they want career opportunities. They, like other Americans, want greater economic mobility.

I wish I had more time to address the UC admission problem, too.

I do have copies of our report.

CHAIRMAN CHAN. At a later time, maybe we can afford a couple of minutes for you to give an update of the UC admission.

My next on the schedule is Dr. Prasad.

## **Employment and Political Representation**

### **Statement of Raj Prasad**

DR. PRASAD. Honorable members of the Commission, I am very grateful that I have this opportunity to speak to you. My name is Raj Prasad, and I am deputy superintendent of schools in San Mateo City School District. I am speaking in two capacities; one, as an employer who deals with certain employment responsibilities. I am also speaking as a member of the Asian Indian community—as one member of the community. I'm not representing the community at large, because as you know, Asian communities are so broad that one person cannot speak on behalf of the entire community.

I compliment you and applaud you on the study that the Commission did. I think that was one of the most thorough studies. It, however, has certain limitations. The limitations are lack of data. But whatever data were available from 1980 census were analyzed thoroughly, and probably that's the first study I have seen with that kind of perfection. However, any statistical study has limitations, and this one has too. I won't go into those because your scholarly reviewers have already pointed out some of those limitations.

Statistical studies are important. However, they do not have the capability of identifying variables which one can only find through qualitative study.

I'll talk about one area, and that is that Asian Indians are not found in any significant numbers in the higher management positions.

I would recommend to the Commission that whatever your deliberations are, something should come out in operational terms which can be used by employers. For instance, when we say that 9 percent of the professionals in the city of San Francisco are black or Hispanic, and the 9 percent professional or managers also are black and Hispanic, then how it is that 22 percent or higher percentage of Asians in the city are professionals, but not in the management part? There must be certain reasons for that, and I would suggest that the Commission undertake a study to find out why Asian professionals are not in significant managerial positions.

Is it because they are not interested? Because they are getting more satisfaction out of the professional work they are doing? Because they are mostly in sciences, technology, and other highly

specialized professions? Or is it that they feel that they do not have the skills, because when you go into managerial positions, the first problem you run into is the employer-employee relations problem, the labor problems, the budget problems, the grievance problems; all kinds of problems. Or, maybe Asians are interested in managerial positions, and there are certain quirks and certain discriminatory practices which are responsible for the underrepresentation.

I think that needs analysis, and that needs research. And if that can be researched, some ideas can be generated for the guidance of the employers. So that's one thing I would recommend.

I would also like to point out that my second interest is in the political representation. I think some of you may have read a statement by Congressman Norm Mineta, from San Jose: When somebody suggested to him that the Asian American political leaders, the elected officials or Congressmen should have an Asian American congressional caucus, his response was, "Yes, and Bob Matsui and I can meet in a telephone booth, to have a caucus meeting." So that shows the political representation.

The other representation comes through appointments. Now, I find it very amusing that most of the representation which Asians have are on committees and councils like this: Asian American Advisory Council to the State Superintendent, Asian American Advisory Council to the Attorney General, Asian Advisory Council—and 100 percent of them are Asians. But I don't find Asian Americans on committees like Committee on Medical Quality Control Assurance—the committees which are dealing with the major part of the community. Somehow, Asian Americans don't get on those ones. They only get on ones which deal with Asian Americans.

Number two. You will find that most of the politicians today are appointing Asian American desks. What is their function? Get the Asian Americans to participate in the political process. And when you talk of the political process, what we talk of is political fundraising. So you have a desk, you have Asians appointed, two or three young people, and say all right, get all those turkeys here now, and raise some money. We need some money. If you want to participate politically, bring some money here. You guys don't have enough votes, so either you have votes or you have money. Now, since you don't have votes, you have to come up with money if you want to participate. So that is the political representation which the Asians have today in our setup.

The third thing which I found rather interesting was reported on in an Asian Indian newspaper, *India West*. It reported that the city excludes Indians from minority contracts. So, the definitions of Asians has changed in the city of San Francisco. You go to Detroit, it would be a different definition of Asians. You go to New York, that city will define the Asians differently. You go to Hewlett-Packard Corporation, they will define differently. And you go to some other corporation, they will define differently.

Is that the way the Commission wants to look at the Asian Americans, that the definition can change at the whim of whatever the particular city or corporation or organization wants to do? And the interesting thing I found here was that one of the gentlemen who was developing this policy, or this ordinance, he said in 1950s that Indians were not here in San Francisco. Well, for that matter, between '34 and '65, not many of us were here. As your study shows, there was total freeze on Asian American immigration during that period of time, 30 years.

So to say that if the Vietnamese were not in some particular city, therefore, the Vietnamese will not get any support on the basis of their minority status. Using that criterion, you would find that most Indians will not be eligible for any support in most of the American cities.

CHAIRMAN CHAN. Thank you, Dr. Prasad.  
The third one on my list is Mr. Karl Matsushita. Karl, please?

### **Violence Against Asians: A Growing Problem Statement of Karl Matsushita**

MR. MATSUSHITA. Thank you, Commissioner Chan. Most of us in the Asian American community appreciate the Commission's coming down to our community in order to hear us.

The issue I would like to raise to this Commission is the resolve of an incident which shook the nerve of every Asian American in this country, whether you're Cambodian, Chinese, Filipino, Japanese, or Korean; whether you are Democrat or Republican, rich or poor, old or young. It makes no difference. If you look like you're Oriental, you are fair game.

Do you believe that it's been 7 years ago that Vincent Chin was clobbered to death by a baseball bat? I can't recall to you what I did in 1982, but the incident is still vivid in my mind as if it happened yesterday. The frightening aspect of anti-Asian violence is that the attacker does not know his victim, nor do the victims



know their attacker. It's a matter of being Asian in the wrong place at the wrong time.

In the last 2 years, we have noticed in Japanese American newspapers and in Asian American organization newsletters the report of a steady increase of violence against Asians. The increase is the frightening part.

Why the increase? The violence toward a group of people is a symbol, the view of the society toward that group. So what is the general public view toward Asians? We see what they see and hear in the media, that Asians are taking over this country. And they are doing it by cunning ways. Asians are seen as a perceived threat to the American way of life.

For example, the situation is like here in San Francisco. It has been reported that half of the commercial buildings in San Francisco are owned by Asians. Well, are there any Americans with a higher offer and with the cash? The result is the prices have skyrocketed to the point that Americans can no longer buy their dream homes.

Repercussions on this type of report have led to an increased number of anti-Chinese graffiti. Particularly in the Richmond district of San Francisco. They generally state, "Chinese go home." We are also noticing an increase of hecklers, particularly high school students, yelling at Asians, "Go home where you came from." These types of activities are particularly noticeable around Geary Boulevard and Richmond district.

Several municipalities throughout California and other States as well have proposed ordinances to ban Asians from buying real estate in their area. And they don't make the distinction between American-born and foreign-born. If this isn't adding up, wait until the release of Hong Kong dollars, which will flood California.

For your information, the largest foreign real estate holdings in the U.S. are not Asian, but European.

In business, Japan and other Asian countries and their companies are seen as taking over the U.S. companies by unfair tactics. For example, a few years ago, Hitachi and Mitsubishi were caught stealing IBM secrets. Another example is, a company in Japan was charged with practicing discriminatory hiring for their Japanese corporate clients. Most Asian countries restrict U.S. imports, but they do not hesitate to flood their goods into the U.S. market. The Department of Commerce have condemned many Asian companies for dumping their products—so that they can come and just market by eliminating competing U.S. companies.

Even what occurs overseas has repercussions on the Asian American community. A few years ago, in Taiwan, the best-selling toothpaste featured a derogatory depiction of blacks, and created uproar in the American black community. Last year, in Japan, black dolls, with roughly black features, were very popular. That also triggered a reaction in American communities.

In both instances, some clients attempted to take a revenge against these insults by attacking the Asian community. A Japanese American-owned restaurant and nightclub in Oakland was threatened with a bomb. There were similar threats in New York and Los Angeles. Mind you, these threats are against Americans of Japanese ancestry. They have no control over what goes on in a foreign country.

The issue is that no one is willing to take the responsibility for this, and the only thing we know is that it's aimed at Asians. With companies from Asia, they claim they are only practicing good business to make profit. That they are businessmen. These Asian businessmen's responsibilities are only to their companies. Their lack of concern for the Asian American community is due partly to their short tenure in the U.S.; most of them are here for only 2 to 4 years, and this is not their permanent home. Their only concerns are to make profits, so that when they return to their home countries, they will get promotions.

American companies also seek to enhance their positions at the expense of the Asian community. Lee Iacocca was quoted as saying to his laid-off employees that Japan had taken away their jobs. He did not mention that a large percentage of parts used in his automobiles are made in Japan. He even sells a totally Japan-made Mitsubishi car as a Chrysler product.

The U.S. Department of Commerce also promotes their cause through the media. They point out various unfair trade practices of Asian countries.

The bottom line of all this activity is that Asian corporations are celebrated with a handsome profit. Executives of American corporations are celebrating their enormous bonus salary from salaries saved from laid-off workers. The staff of the Department of Commerce are also celebrating for successful gain attained in negotiation with the Asian countries.

But somebody has to pay for these celebrations. Americans or the general public cannot relieve their anger or frustration by a so-called Asian symbol, such as Toyota or Nissan. They need to attack the real target. Americans do not distinguish between Asian country and Asian Americans. Thus, the first available Asian

American becomes targetted as "Asian." In other words, we Asian Americans must pay for these celebrations with our blood.

From past experience, the Asian American community alone cannot attack this entire anti-Asian sentiment and violence. We need the help of this Commission's influence to sway the guilty parties to accept the responsibility for their acts.

COMMISSIONER CHAN. Thank you, Mr. Matsushita. The next on the list is Dr. Leland Yee.

### **Status of Public Education and Mental Health Services for Asian American Children Statement of Leland Yee**

DR. YEE. Thank you. My name is Leland Yee, and I am a member of the San Francisco Board of Education. By profession, I am a child psychologist. And the topic of my talk is the status of public education and mental health services for Asian American children.

Basically, what I'd like to do is to make a general statement, and then give you some highlights as to why I think there are sufficient examples to bear out the sort of general statement that I'm going to make.

The statement has to do with the fact that I think that in terms of mental health services and in terms of educational services, there is a severe lack of understanding of the cultural and linguistic background of the children that we serve, and their families. And that there is a lack of understanding of the cultural definition that our families and our children bring to bear in the area of education and mental health.

In the field of mental health, Asian children and adolescents are still suffering from this notion of a model minority syndrome. Continually you see in the newspapers the fact that the Asians are valedictorians, the National Merit Scholars, and so on. And therefore, how can it be that they have mental health problems and that they are in need of mental health services?

What we're finding is that these individuals do have tremendous mental health problems. That despite the kinds of academic achievements that they make, they come to that situation through tremendous mental health stress on themselves and also their families. The manifestation of some of these kinds of problems are not in the usual kinds of symptomologies that we identify with other populations. What we're looking at are essentially individuals that are rather sensitive in terms of a cultural manifestation of mental health difficulties.

I think the other major problem in the field of mental health, as it relates to children, is that for many, many Asian families it is a stigma to be identified having these kinds of difficulties. We need to begin to explore different ways of presenting mental health services, not so much maybe in terms of the treatment modality or in terms of an outpatient modality, but more in terms of a primary prevention modality. We have an excellent program here in San Francisco, China Health Child Development Center, that uses a sort of a nonstigmatized way of getting at some Asian families—Chinese families, in particular—to come in to their centers so that they can be evaluated for mental health problems. In a sort of nonstigmatized, nontraditional way, we have been able to increase the number of families receiving mental health services.

I think those kinds of innovative ways need to be looked at; other kind of innovative ways need to be explored.

I think the last thing that I want to say is that in addition to having individuals who understand the cultural definition of mental health services or mental health problems and so on, I think it's imperative that we utilize and we recruit individuals who have the language background. It is unconscionable when oftentimes we find that family members are asked to go into therapy sessions to serve as translators for the therapy itself. It is unethical, it is unprofessional, and it's totally inappropriate. But these things happen all the time. And it's part of an insensitive system that does not look to language minority individuals in terms of giving them those kinds of positions.

Next, I want to move into the area of education. And I think there are a number of indices that one can look at that suggest that we've got some major problems when it relates to Asian American children. If I can just indulge the Commission with some statistics that relate to the San Francisco Unified School District and show we've got some problems. In the San Francisco Unified School District, we have close to 25 percent of school children who are Chinese. If you look at the representation of the staff relative to that 25 percent, you're going to find that we are clearly below parity.

And the issue for me, in regard to affirmative action, is not so much the issue of equity. I think that is important. But as an educator, as a psychologist, it is also educationally and psychologically important. It's important because you need adequate role models. We want our kids to be able to see that there are individuals in the educational system who are teachers, who are custodians, who are superintendents, who are principals. It is important for

them to see these kinds of diverse roles that Chinese are involved in.

I think that it is also important for the staff to have a second language capability, so that they can in fact speak in the primary language of the kids and also of the parents. And also, these individuals, ethnic individuals, bring to the educational arena an understanding of their background.

So let me just cite some of the numbers. For central administration—and we're looking at 25 percent Chinese—13.4 percent in central administration are Chinese; for site administrator, 5.5 percent; for teachers, 12.9 percent; for paraprofessional, 8.6 percent. Now, if you group the Asians together in this district, we are 50 percent, 50 percent Asian American. For central administration, we are only 28.5 percent; site administrators, 25.5 percent; teachers, 20 percent; and paraprofessional, 19 percent. So I think clearly we have a serious problem with regard to bringing some balance and some representation in our staffing.

The other area has to do with bilingual education. For me, bilingual education is utilizing the strength of that child, which is his or her primary language, to access into the acquisition of English, and also the various content areas. While I think most districts will say that they are supportive of bilingual education, there seems to be a schizophrenic attitude.

In the Berkeley Unified, the parents lost a lawsuit that really spoke to addressing some more adequate bilingual services. In Oakland Unified, the district went to court to get themselves relief from a consent decree that relates to bilingual education. In our district, we're finding that there are individuals who are saying that we need to somehow decrease bilingual services because that creates grouping of similar ethnic groups, and we need to separate them, and we need to integrate them. In the integration consent decree and in the bilingual consent decree that this district is under, all parties have agreed that it is okay to group kids based on similar ethnicity, if it is for sound educational principles. And bilingual education, I think, is a sound educational principle.

The last two items have to do with parent involvement. I don't think that school systems in general are sensitive to parent involvement. When you look at the language capability each school site has to represent the different Asian languages, to what extent will a school site make it comfortable, make it inviting, and interested in working with parents, when school sites don't have the capability to deal with the parents' primary language? Parents always come to me and say, "How could I talk to my teachers? How

can I talk to my principal? How could I get into the school, when they do not understand what I am really saying, and make no effort in terms of understanding that language?"

The last point is counseling services. In many, many major comprehensive high schools, we find a severe underrepresentation of counselors of Asian background, of Asian language background. And these are the individuals who are supposedly going to direct our children into high academic universities, into appropriate secondary programs. When we don't have sensitive individuals with those kinds of backgrounds, I'm afraid what happens a lot of times is that Asian students are put into postsecondary programs that really are not in their best interest.

Thank you very much.

CHAIRMAN CHAN. Thank you, Dr. Yee. The next on my list is Mr. Tom Kim.

## **What Has and Has Not Changed Since the First U.S. Commission on Civil Rights Hearing for Asians?**

### **Statement of Tom Kim**

MR. KIM. My name is Tom Kim. I'm the executive director of the Korean Service Center. I also teach down at San Francisco State University. I teach a seminar on the contemporary Asian in the communities. Ten years ago, I had the opportunity to speak on the panel for the first Asian-U.S. Civil Rights Commission hearings, in Washington, D.C.

Today, we deal with the fact that we're here under the proposition that English is the official language. My reaction to this is that this is a paper tiger. Because, number one, a bilingual ballot, as an example, actually helps the democratic process. It facilitates an understanding of the issues that our new citizens are voting on. So if you really think of it, a bilingual ballot actually helps the democratic process work.

And then on the other side. Here is someone who speaks English. Please bear with me. I'm going to read a small telegram. This was to Bill Dwyer, general manager of KNEF, NEC.

"Your demotion of Curtis Kim without just cause, a twelve-year Korean Asian American radio pioneer, with an impeccable record, from a prime time to an all-night radio show, is an affront and injustice to one and all.

". . . We would like to believe that KNBR NBC's insensitivity and callousness toward Curtis Kim and the creative Asian communities here, is not an example of how NBC will handle the 1988 Olympics in South Korea. The Korean Community Service Center is 100

percent committed to our support of Curtis Kim, and to an early resolution of this.”

I point this out as essentially saying, when you ask what has changed, my answer is, not much, from the time you started. And, when you ask what is going to be the future for the 1990's; we don't know. Because if you think about it, the whole set of expectations from the '70s were crushed by the realities of the '80s. Today, survival and persistence have become the bywords of the '80s. The Asian American community will continue to pay their dues in the 1990's.

CHAIRMAN CHAN. Thank you, Mr. Kim. This concludes the presentation for the panelists on the first session. At this moment, I would like to ask each Commissioner to ask one question, starting with our chairman, Dr. Allen.

CHAIRMAN ALLEN. Thank you, Commissioner Chan. It's difficult after listening to seven highly informative presentations, to select one question to ask.

I will limit myself to posing one, but I can't avoid at least mentioning what the others are in case there is further occasion for them to be commented on.

I am very interested to know, following the statement made by Mr. Izumi, what studies there are on the question of Asian victims of crime, and who the victimizers are. And that's not something I would ask the panel to answer now, necessarily, but I hope it will become a question that we will get further information on ultimately.

I also would be very interested to hear Mr. Der's reflections on the most recent proposals of UC, because that's very high on the agenda of our State Advisory Committee, and remains a question of continuing interest for this Commission itself.

But I want to ask one particular question, which was sparked by Mr. Der's remarks and some of the other remarks as well, because it is a new idea; something I hadn't thought of before. And I remember I asked Mr. Der last September how he could defend affirmative action, when he understood so clearly in one case how it had been adapted to the harm of Asians. And he gave an answer at that time. I didn't understand it completely, and I think now I'm beginning to understand, and beginning to see something that I didn't see before.

When the statistics from San Francisco were presented, the question they seemed to present was the relationship between availability for employment and actual employment in professional slots. And that leads me to ask a Justice O'Connor type of

question. Are you considering now the question of whether entry into professions should be proportioned to the number of persons who prepare themselves to enter professions, or in proportion to general population numbers? And is the defense of affirmative action a defense of affirmative action as it looks at the number of people who actually prepare themselves, whether to enter universities or professions, as opposed to looking at general population numbers. And I would like Mr. Der and anyone else to address that question.

MR. DER. If I may. The question has been posed whether one uses general population statistics to establish the parity levels for affirmative action, or whether we look at specific numbers of individuals in a very specialized pool that can be promoted or be considered for these management or administrative positions.

The answer really is twofold. If we look at the professional category, one can clearly look at the representation of Asian Americans in the general work force. Some individuals would argue that in the case of the city and county of San Francisco, that Asian Americans are overrepresented as professionals, because they constitute 27 percent, but only 21.7 percent of the population in 1980. But interestingly, the most recent population estimates issued by our State department of finance in conjunction with the Population Reference Bureau in Washington, D.C., pegged Asian American representation in the general population around 27 percent.

So this 27 percent representation of Asians in the professional categories is not overrepresentation. It pretty much parallels how many Asians are in the general population or the work force. So I think it's entirely appropriate in general instances to use population figures.

Now, looking at management and administration, and in San Francisco alone, the civil service is very, very specific, most promotive categories require one to be already in civil service. You get extra points. Also, the experiential requirements call for so many years in lower professional classes in order to be considered for promotion into the promotive and managerial positions.

There, I think, we should look at the representation of Asian Americans in the professional categories. I would not suggest that that should automatically exclude further hires of blacks or Hispanics, because clearly, we would argue that Hispanics have not been adequately recruited into professional categories. Even though there's almost a one-to-one ratio of Hispanic administrators to Hispanic professionals, that situation is clearly inadequate.



But the most egregious examples of discrimination in civil service—how eligibility lists are maneuvered, how managers and departments heads will circumvent civil service procedures, how they are now using communication skills to not hire Asians for these promotive positions—gives us great concern. And the numbers themselves show that with 27 percent representation of Asians in the professional categories, 11 percent just does not make sense. We don't believe for 1 second that Asian American professional civil servants are any different than whites, blacks, or browns. Because you go to any civil service discussion, they're all—all of them, without regard to their ethnicity, are always talking about their rating, they're talking about the next promotive exam, who's in charge, so on and so forth.

And secondly, I would submit to this Commission that I cannot discern any differences in communication abilities among all civil servants, whether they're white, black, brown, or yellow. They all seem to have a certain green shade culture within civil service. So I certainly have come across as many white civil servants as Asians, Blacks and Hispanics who have a certain civil service culture. And I'm not being derogatory, but I think that those Asians, like others, are very well qualified, and they should be given an equal opportunity for a promotion.

COMMISSIONER RAMIREZ. It seems to me that you're not talking about affirmative action. You're talking about discrimination. They're two different things.

In the one case, you're talking about the steps, the remedies that a body would take to correct past discrimination. Here, you're showing—you are at least suggesting that there are discriminatory practices going on right now that may be cause for legal action in many specific cases. I haven't thought through that distinction, that's the problem. But have you—

MR. DER. Oh, we've given it a lot of thought. I would hasten to add that in the past, when we've talked about affirmative action and civil rights remedy, we have perceived it in a monolithic manner, relative to all ethnic racial minority groups.

Because the respective minority groups are growing in number and percentage in a State like California, and in fact in many other States in the United States, I would submit that public agencies, private corporations, when they adopt and implement affirmative action programs, that they must adopt very unique affirmative action strategies that are specific to the history of discrimination to the different minority groups. Because what may work for us, may not work for blacks. And what may be needed for Hispanics, in

terms of greater representation in accountants and engineers for the controller's office, or the department of public works, is not the same strategy that should be applied for Asian Americans in those very same departments.

Which actually leads me to make a comment about the university admission problems at UC Berkeley. As some of you know, I had the opportunity to address you 1 year ago. Earlier this year, after a faculty subcommittee on Asian American admissions issued its report on Asian American admissions at UC Berkeley, and found that there were instances of unequal treatment where policy changes adversely affected Asian students, particularly those from immigrant backgrounds and those who did not speak English in a native-born fashion, the chancellor joined with the Asian American task force to agree that decisions that were made in 1984 indisputably harmed qualified Asian American applicants. He did not admit to intent to discriminate, but certainly he pointed out that the net effect of those policy changes harmed qualified Asian American applicants.

And we were very relieved that we were able to join with him to make that particular observation, to close the book on those kinds of practices and decisions that were used against highly qualified Asian American applicants.

The university today is proposing some rather major changes. And those changes, I believe, put the university in the right direction. For the very first time, they have spelled out very clearly how many students are being selected based solely on grades and test scores. Fifty percent of the incoming freshman class will be selected based on their academic standing of grades and test scores. The remaining 50 percent will be selected based on a number of protected categories. And those protected categories include underrepresented minorities; low income, rural students; reentry students, largely women students; disabled, and athletes.

With the exception of underrepresented minorities, which calls for outreach to blacks, Hispanics, and American Indian applicants, we in the Asian American community expect the university to make every good faith effort to recruit a very diverse group of applicants for all the protected categories that I've just cited, from athletes to special talents to low income to disabled and reentry women. We will be highly suspicious and concerned if the university uses these protected categories to reward a minority, a particular ethnic group, exclusively in the reentry category, low income, or athletes category.

Asian Americans, I believe, support the notion that the university should be very diverse and serve the interests of all the people of

the State of California. But they must do it in a fair and honest fashion. What they have done before was not so fair, and it was rather obscure. And we hope that with the changes in these policies, that we'll achieve greater opportunities, not only for Asian Americans, but for all qualified students who live in the State of California, and who should be students at an institution like UC Berkeley.

MR. KIM. May I add a point to this?

CHAIRMAN CHAN. Yes. Please state your name.

MR. KIM. My name is Tom Kim. We have an issue, too, even amongst ourselves as Asians, because the word "Asian" encompasses more than one group, one culture, one history, as you all well know. And I have to be honest and up front in the context that we have to deal with our affirmative action. Because when we talk about Asian groups, we are just not talking about all of us people who look alike. Okay? We don't speak alike. We don't have the same histories. We don't come from the same countries. We have some of the longest histories of conflict. We have the longest histories of racism against each other in this world. And we've had to learn to work together.

And that's also what we have to continue to do in America. But when you use the word "Asians," I do have to bring out the fact that you are talking about more than one or two or three groups. And there has got to be even an affirmative action in that context. And I say that openly, and not in a divide and conquer context.

CHAIRMAN CHAN. Thank you, Mr. Kim. Next is Commissioner Buckley. Please, do you have a question?

COMMISSIONER BUCKLEY. Yes. First of all, I'd like to thank all of you for the information you have just shared with us. It really adds a lot to our discussion, and I hate to tell you, but I wish we had 4 or 5 hours to just sit with all of you here right now, and ask you some questions. And I know that's not possible, but I thank you for being here.

And I would like to congratulate your newspaper, Mr. Andersen, on having your summer internship program for high school students. When we were in Nashville, they also have programs similar to that in Nashville, for minority students there. I would hope that other businesses would implement internship programs, because part of your role models that may not be in your schools may be supplemented by these summer programs.

The issue of appointments bothers me, but we don't have time for that one. The one I really would like to look at is the bilingual

education situation in your schools. And very briefly, Dr. Yee, what is your definition of bilingual education in the unified school district where you are and which one do you think is most effective for your students, and would you recommend?

DR. YEE. One of the problems with bilingual education in the United States is that people use that term for almost anything and everything. The term has now become so confused that basically what it means is that it is the education of our minimum English-proficient children. So that some people may use that term to define English-only methodology. They may use that to talk about ESL exclusively. They may use that to talk about sheltered English only.

So, my definition of bilingual education is essentially using the child's primary language to access English and other content area. It makes a lot of common sense, because here is a child who comes to us not knowing a lot of English and so on, and he and she has a language, which she has as her primary language. And that child can learn, if you can access into that child.

And so what happens in the adult world is that you say to the child, well, you really don't have any information, and the reason why you don't have any information is because we don't know your language, and therefore we're going to put the burden on you. And that is, we're going to deny your language, and we're going to make you learn English before you can continue on with your education.

We need to exploit these kids' strengths. What are the abilities that they have? What are the abilities of culture and language that they bring to the classroom from their home? And start utilizing that as a beginning step in terms of educating our children.

CHAIRMAN CHAN. Thank you, Dr. Yee. Commissioner Guess, do you have any questions?

COMMISSIONER GUESS. In looking at your charts, Mr. Der—we'll go to figure number 1, where you have the distribution of the professional classes of employees within various departments of the city and county government—I was struck by the proposition that you are advocating a management of this system to ensure that parity is achieved within the various categories. Is it also safe for me to conclude that in adjusting for parity, that in those areas where you are significantly overrepresented, that you would be equally comfortable if they were pared down to parity?

MR. DER. No. I—

Commissioner Guess. So, what I am saying, is you want everything you get, and you want it all, or—

MR. DER. I would in no way suggest that we want representation of Asian Americans to be pared down, necessarily, in those departments where Asian American professionals constitute 30 or 40 percent or even 60 percent of-

COMMISSIONER GUESS. Obviously, in some portion you're not reaching parity.

MR. DER. But, I would also add, though, that I believe that those managers and administrators in those city departments where you have 60 percent Asian American representation in the professional categories, that they should launch extensive and credible affirmative action efforts to include other minority group members; blacks or Hispanics, or native Americans. I think a lot of the problem of underrepresentation in those departments where you have high concentrations of Asian American professionals is not the creation of Asian Americans. It's really of the system, and people who are empowered, who do not have credible or effective affirmative action programs that will bring in a very diverse group of minorities from our community, and the work force.

Because clearly, in those city departments where Asian Americans are underrepresented, in the regulatory agencies, and social services, and the like, there has been lousy recruitment efforts of Asian American professionals. And I think that, as I mentioned earlier to Commissioner Allen's question, I really believe that our country and society needs to have different affirmative action strategies, depending on the problems and history of discrimination felt and experienced by all these respective minority groups in our country.

CHAIRMAN CHAN. Thank, Mr. Der. Since Commissioner Ramirez only asked half a question, if there are no objections, perhaps we can let you have the time.

COMMISSIONER RAMIREZ. As my fellow commissioners have stated, all of the testimony has been provocative, in the best sense of the word. But I need to really get on the record Dr. Yee. I understand everything you're talking about. It's clear to me. In fact, you sound just like me. But the point that I think has to be clarified is that you have described a set of problems. A set of, if you would, incompatibilities between what the school district has as resources to serve the children that come to them, and you have also described, or at least begun to describe, a set of mental health problems that we don't understand, basically.

Getting back to the school. Are Asian children as a group doing well in the schools, in the sense of their outcomes within the schools' criteria; generally across the Asian community, are there

differences between groups, or is there a bimodal distribution of success? If there is a bimodal distribution of success, how does it vary? Is it a function of the, if you would, the educational power that particular immigrants bring from the mother country? Are successful Asians, the children, successful Asians in other countries, and are Asian children who did not have successful parents not experiencing the same success?

DR. YEE. Let me try to answer that. I think that probably across the board, if you talk in a very general sense, and in numbers, the assessment that you have is correct. I think in general, Asian kids are doing well. But I think what is also important to understand is that there are a tremendous number of kids who are not doing well. We have, for example, within our Southeast Asian population, a large group of kids who are at the middle school level now, beginning to drop out, beginning to act out. You need to begin, as Mr. Kim talked about, not looking at Asians in monolithic terms; there is diversity.

Some of our Southeast Asian kids came from war-torn situations. They came from traumatic experiences. And our system of service was never geared to help them. That is, for many of them, some of the nightmares of the past, tragedies and so on, some of the emotional stress, are really coming upon the parents and to some extent to the kids.

So I think you are finding an increasing number of those kinds of individuals who are just not making it, and we're just pushing them out. We're pushing them out because of the lack of sensitive services for them. I think that even within the Chinese population, we are finding a tremendous number of individuals who are involved in drug abuse, who are involved in gang activities, other things along those lines. That gives us a clear indication that it is not a unitary population; that is, there's tremendous diversity and we need to attend to that.

MR. KIM. May I add something to that?

CHAIRMAN CHAN. Yes, please.

MR. KIM. We have one Korean bilingual schoolteacher for the whole school system. And the schools say we have no problem. Then, we send them one of our Korean counselors, to the school, to provide services. All of a sudden, you get 10 to 15 referrals. The schools are great for coverup. We know that. But let's face it. Send the counselor to one of these schools that says they don't have problems, and see how many referrals they get.

CHAIRMAN CHAN. Thank you, Mr. Kim. Mr. Izumi, do you have a question?

MR. IZUMI. Well, not a question. I just would like to make a comment about a point that was brought up by Commissioner Guess, in his question to Mr. Der. And I think we should all remember that quotas are a two-way story. And what's in one area can help us can also hurt us in another area. So that, if we're worried about admissions quotas in universities or that sort of setting, you also have to remember that if you look at things like parity, there are some costs there, in other areas. There's a type of inconsistency there. I'm not sure I heard the answer to that contradiction so far.

CHAIRMAN CHAN. Thank you.

MR. ANDERSEN. I'd just like to ask this of everyone here. Dr. Prasad pointed out to us that Indian Americans are now being cut out from certain programs, saying that they're not included among Asians. I know that Filipino Americans in some cases at various universities, they are considered an unrepresented minority. They are separated from Asians.

And as Mr. Kim pointed out, there is so much diversity, and in some cases racism between Asian groups. What I would like to ask everyone here to consider, and I don't know if we can really give an answer, is how much longer, or can Asian Americans be addressed or considered under the umbrella term "Asian Americans"; or, do in fact we need to start looking at separate programs for each subgroup. As I said, I don't know if we can get an answer to that. I'm just curious, and maybe people could think about it.

CHAIRMAN CHAN. Thank you, Mr. Andersen. And Mr. Matsushita? Please state your name again.

MR. MATSUSHITA. My name is Karl Matsushita. I'm with the Japanese-American Library. One other topic I intended to talk about was the model minority children who do not fit in that category. Asian children who do not fit into the model minority are, as a result, being rejected by the teachers, the community, and their parents. We're beginning to see an increasing number of Asian gangs here in San Francisco, Los Angeles, and in other areas. This is something that perhaps could be addressed more in the future.

CHAIRMAN CHAN. Thank you. Mr. Yee?

DR. YEE. If I could just make one comment. To me, the issue of the parity is really not a double-edge sword. Basically, I think what I see in terms of the issue of parity is because of all of the educational and psychological reasons, at least for our children, the issue of fairness. But I see those numbers more as basal numbers. It is not an issue of ceiling for the minority group, it is a matter of

getting an adequate representation. For those actual purposes, we're looking at individuals from the various ethnic minority communities who are competent and can handle the work, and can do it in an excellent fashion. And if we find more of these individuals, so be it. I think that's going to be better for society.

CHAIRMAN CHAN. Thank you, Dr. Yee.

And this concludes our first session. We're only 1 hour behind.

I would like to ask the second group of panelists to take their seats.

CHAIRMAN ALLEN. Mr. Chairman, while the panelists are assembling, I just wanted to make a couple of observations. We heard many times about this question of the model minority. I would hope we could provide a forum for some particular discussion of this. I would very much like to suggest that the subcommittee have someone from the American Jewish Committee, ADL to talk about the Jewish experience, because they were the first model minority. How they dealt with it, and what it meant.



## **Session II: Immigration**

**CHAIRMAN CHAN.** Ladies and gentlemen, the second session concerns immigration. We have four panelists. I would like to ask Mr. Stewart Kwoh to make his presentation.

### **New Asian Immigrants—New Barriers to Entry and Integration Statement of Stewart Kwoh**

**MR. KWOH.** Thank you. My name is Stewart Kwoh. I'm the executive director of the Asian-Pacific American Legal Center of Southern California. I am also the new president of the Los Angeles City Human Relations Commission. I would also like to express my appreciation to the U.S. Civil Rights Commission for having this hearing this morning.

The oldest civil rights issue for Asian-Pacific Americans has been the immigration policy of the United States, and the treatment afforded new immigrants. The 1965 amendments to the immigration law probably stand as the most significant institutional change for the status of Asians in this country in the last 30 years.

In 1970 the Asian-Pacific American population in the United States was 1.4 million. Today, that population is estimated as high as 6 million people. So it is very clear that the immigration policies have made a tremendous impact on the population and the character of the Asian-Pacific American population in this country.

However, speaking in 1989, there are some alarming new developments in our immigration policy and in the treatment afforded new immigrants. I'd like to touch on a few important issues, and conclude with one recurring theme, in terms of how the U.S. Civil Rights Commission may address some of these problems.

One of the new issues—and I'd like to address four of them this morning—is the renewed immigration policy debate in the U.S. Congress. The Senate just passed the Kennedy-Simpson bill which prior to some amendments had been called the New Asian Exclusion Act of 1989. Even though the Senate did pass several amendments that made the final version of the bill somewhat more acceptable, the major detriment in that act, or in the bill, is still an overall cap for legal immigration, which would include for the first time immediate relatives of U.S. citizens.

Without getting into all the details for many Asian countries, what it will mean by including the immediate relatives is that within a few years, because of a setoff provision, the visas for nonimmediate relatives will be set off so that they will be reduced by about 50 percent from the original level. So, for example, for a country like

the Philippines, the level will be reduced in half within about a year; from, say, 18,000 to 9,000 for all of the family visas available to the Philippines, other than immediate relatives.

That would have a tremendous detrimental effect on family unity. That is the first issue I'd like to address.

The second issue is concerning the Immigration Reform and Control Act of 1986. The legalization provision of that--IRCA, for short--provided what is called amnesty for many so-called undocumented people in this country. Asian-Pacific Americans applied for this legalization program and numbered about 50,000 in their application for legalization under the provision of having had illegal status prior to January 1st, 1982. Unfortunately, that 50,000 is probably one-third of the eligible Asian-Pacific immigrants who could have applied for legalization.

There are a number of reasons why the legalization numbers for Asian-Pacific immigrants were distressingly low. Amongst them, statutory and regulatory impediments. However, mistaken ineligibility, confusion by potential applicants, was perhaps the largest problem that Asian-Pacific persons faced.

Another issue. Employer sanctions and the discrimination provisions, or antidiscrimination provisions. I know the U.S. Civil Rights Commission recently issued a report on this very matter. However, in the deliberations of your Commission, and in the reports of the GAO, it can be found that there are few Asian complainants. Not because Asians are not victimized; Asians are victimized. But because of confusion, ignorance, and the lack of access for Asians to complain.

Let me address a third issue. Racial violence. It is very clear that there is a significant increase in the reporting of violence against Asian-Pacific Americans. In Los Angeles County alone, Asian-Pacific Americans are the second most victimized ethnic group, behind black Americans.

Referring to the immigrant character of many Asian-Pacific ethnic groups, the LA County Human Relations Commission report this year stated that there was a tremendous undercount of Asian and Latino victims because of language and cultural barriers.

Our Asian-Pacific American Legal Center had the opportunity, in 1987, of drafting a monitoring plan for the Los Angeles Police Department, to monitor acts of hate violence against ethnic minorities, gays and lesbians, and religious groups. Unfortunately, since that plan was implemented in 1987, there have only been five reported cases of Asian victims. The reason, not because there are no Asian victims, but because Asians do not even know that such

a monitoring plan exists, and the police department is almost inaccessible for non-English-speaking Asians to report such incidents.

Let me give a final issue. "English only" has become a significant movement in the State of California. With the 1986 passage of the California constitutional amendment to declare English as the official language, we have seen many incidents where that official language rule has been interpreted as English only.

We had the opportunity of challenging the removal of the Monterey Park library board of trustees, purportedly because they were too sensitive to immigrants. We challenged their removal, and fortunately, in a final appellate ruling 2 weeks ago, we prevailed. However, what is proliferating is English-only workplace rules throughout southern California. In one example, the Pomona Valley Community Hospital, one department has banned Filipino nurses from speaking Tagalog at all times, including calls home; even emergency calls.

Unfortunately, as in these other issues, it has taken 2 to 3 years for us in civil rights organizations to get these complaints. It's clear that there are new policies directed at immigrants. And they are having a discriminatory impact, as well as having discriminatory intent.

But what I would like to finally address is the recurring theme in all of these issues, and that is that for the most part, except for policies that are passed by the U.S. Congress, those questions that immigrants are facing in the workplace or the communities, immigrants are finding that they do not have information; they do not have the education, they do not have access to redress the problems that they are facing.

Let me briefly say that we recently started a Chinese students' hotline for the information on the situation of their immigration status. Because of their lack of information, two students paid \$10,000 each to attorneys because they did not understand that there were remedies to their situation and wanted to stay here longer. The Hispanic press in Los Angeles can perhaps use one newspaper to reach a comparable Asian-Pacific population that would take 75 to 100 Asian ethnic newspapers to reach.

Let me recommend to the U.S. Civil Rights Commission that I believe that a partnership between your Commission and the communities, between different Federal agencies and our community organizations, is called for. It is called for in the development of material to inform immigrants about their rights, about the civil rights remedies that are available to them under the United States

laws and statutes. I believe that the development of material can be facilitated by the U.S. Civil Rights Commission. I believe that there is the spirit of partnership in our communities, to ensure that the material is translated and distributed so that this recurring theme of lack of information and lack of access is addressed.

CHAIRMAN CHAN. Thank you, Mr. Kwoh. The next on the panel is Dr. Bok Lim Kim. Dr. Kim, please?

### **The Impact of the 1986 Marriage Fraudulent Act Statement of Bok Lim Kim**

DR. KIM. Thank you. I have been a professor in this country for the past 15 years, at graduate schools of social work. I have been interested in Asian American mental health issues, particularly immigrants and children. However, today I am here as the chair of a national committee concerned with Asian wives of U.S. military servicemen. And that's very specific. Within that context and capacity, I would like to tell you a little bit about the impact, negative impact, of the 1986 Marriage Fraud Act, that went into law in November '86.

What this law does is to create a new category of permanent residents, called conditional status of permanent residents, which is very reminiscent of alien ineligible for naturalization as conferred upon Asian Americans in the past. Basically, what it does is that when an alien spouse marries a U.S. citizen, or U.S. permanent residents, that alien spouse can enter through petitioning form 130, into this country, exempted from quota system.

I think in the past, and I don't know if you have watched some of the popular shows and horrible shows, there have been lots of cries about sham marriage, or marriage fraud. That's the backdrop, basically, and the allegation and assumption is that foreigners marry American citizens and immigrants for the purpose of entering this country, thus bypassing U.S. immigration law.

During the passage of this law through the Congress, which went through rather unceremoniously and without too much notice, it was claimed by the Immigration and Naturalization Service (INS) that close to one-third of marriage petitions are fraudulent. In other words, it's entered into marriage for the purpose of bypassing immigration requirements.

Now, their estimate is 30 percent. On the other hand, some studies done in 1979 show that, instead of the 50,000 that INS claimed, 4,600 dubious petitions were identified. So that you can imagine all this—claims of fraud. At any rate, it's almost like

hysteria. Within this context, the bill was enacted into law, and I think we're beginning to see the impact.

Today, I would like to address several general issues, but particularly how it impacts the Asian women who marry U.S. military personnel overseas. First, I think the petitioning process, preimmigration process, really already examines the intent of marriage, through the various, sometimes humiliating and degrading investigatory processes, before the visa is granted. But with this law, there is post marital surveillance of alien spouses or U.S. citizens entering into marriage. There are a number of legal articles questioning the constitutionality of it.

Basically, the law does this. After a person becomes a foreign spouse, and is granted visa, within 90 days, before the second anniversary of granting a permanent visa, the U.S. spouse, sponsoring spouse, and alien spouse has to petition the Immigration Service for the removal of a conditional status. For that purpose, they have to submit the documentation, and also subject themselves to highly intrusive personal interviews.

There's no safeguard into protecting the sanctity or privacy of the marriage. The consequences of not petitioning this is that an alien becomes deportable. And I think that's the major issue.

I will just very briefly describe some of the problems with the law, as it affects all alien spouses, but I think particularly Asian spouses. First one is the intrusion into the privacy and sanctity of the marriage, through this postmarital surveillance.

Second, there's a normative specification as to what constitutes a bona fide marriage, post marriage. And frankly, it could very well be very culturally biased. For instance, they may be asking questions like, how is the money spent, whether or not they have a joint checking account, where did they go to vacation, or what kind of living arrangement they have. And worse, they do probe into what kind of birth control measures are used, in the personal interviews. And that kind of thing really raises not only privacy issues, but cultural issues. Many women, particularly Asian women who marry Jewish military servicemen, they do not have joint account. They do not understand many American ways, so that when they are subject to separate interviews, they may give contradictory statements. Does that mean that the marriage is not viable? So there, you see, unwittingly, it introduced the element of cultural enforcement, or what is known, which may be very different.

So, those are general problems. Or specifically, when you come to the Asian American woman, I think many of the marriages are

entered into with very good intentions on both parties. But as you may guess, they do have many, many problems. And I think in many of these marriages the problem is that of unequal power and abuse. And women do not know about American law, or the language.

Before that law, men have always used deportation as a club to subject women to slavery or subjugation. With this law now, men have real power. And also, many men who do not even teach their wives, some of them may be very ignorant or negligent in filing petition. Then they put their spouses in jeopardy. They are deportable. If they don't petition, they are deportable. This puts the woman in true jeopardy. I have some recommendations. First of all, there is a newness to the law. I really would like to see an evaluation and monitoring of the provision.

Second, I would suggest that you gain statistics and all the pertinent data to really see indeed how much of this marriage fraud actually exists.

Third, I would like to see some safeguards in terms of interview processes. I'd like the Commission to look into that.

Fourth, I would like to see community education, in the language the women understand, about the law and its procedures.

CHAIRMAN CHAN. Thank you, Ms. Kim. The next one, Mr. Francis Assisi.

### **Some Problems Faced by Recent Asian Indian Immigrants Statement of Francis C. Assisi**

MR. ASSISI. My name is Francis Assisi. And I'm a staff writer for an Asian Indian newspaper called *India West*. I've been writing about immigration related issues for the 12 years. I also want to assure the panel that my name is legitimate; I did not take the name because I came to San Francisco. It's my grandfather's.

I want to take the opportunity to present some ideas to this panel. And I want to express my deep appreciation for coming here, and for having released their report.

I think it is appropriate that the Commission is holding these hearings in San Francisco, especially since it's only about 8 or 10 blocks away from where, about 80 years ago, the Asiatic Exclusion League held some of its discussions. I want to go back to some of the issues that they raised at that time, because some of the reasons that were given by the Asiatic Exclusion League 80 years ago seem to have some relevance to what is happening to Asian Americans in the 1980s.

The Asiatic Exclusion League at that time believed that the introduction of, and I quote, "This incongruous and non-assimilable element into our national life will inevitably impair and degrade, if not effectively, destroy, our cherished institutions and our American life."

Secondly, it was assumed that the Asiatics—again, I quote—"are alien to our ideals of patriotism, morality, loyalty, and the highest conceptions of Christian civilization."

Thirdly, the general belief was that the Asians would become, in course of time—I quote—"a degrading and contaminating influence to the best phases of American life."

And finally, it was the contention among them that, I quote, "With their low standard of living, immoral surroundings, and cheap labor, they constitute a formidable and fierce competition against our American system, the pride and glory of our civilization."

At that time, a gentleman by the name of Samuel Gompers, president of the American Federation of Labor, proclaimed that, and I quote, "Sixty years' contact with the Chinese, 25 years' experience with the Japanese, and two or three years' acquaintance with Hindus, should be sufficient to convince any ordinarily intelligent person that they have no standards by which the Caucasian may judge them," unquote.

I just brought this for the sake of establishing some kind of an historical continuity with the situation that has been brought out here, about violence and several other matters.

I would like to present the Commission with something that I did just last week. There are 80 Hindu religious organizations, Hindu temples, in the United States. I surveyed 60 of them in the last 1 week. I just called to find out whether there were instances of harassment and of vandalism in these temples. And the results that I found astonished myself. Fifty-five of them reported that there was some form of harassment or vandalism in the last 6 months.

It seems to me that anyone who is different is seen as a threat in the climate of intolerance that is increasing, and it seems to be increasing, in the last year.

I would like to put on record a study made by Margaret Gibson, of UC Berkeley. She made a study of Asian Indian students in the central valley of California, and documented in great detail some of the problems related to racism that these students are facing. The book was published just a few months ago, and I would like Commission members to be aware of some of the findings there.

Secondly, I would like to bring to the attention of this Commission that in many cases, accent is brought in by employers to keep Asians down at a certain level. It is said that they cannot communicate, that their accent is different, and therefore that they are unable to function in their positions.

I think we are having a problem with the model minority stereotype, because it really obscures the fact that there are many poor and less educated and unsuccessful Asian immigrants. There is evidence, too, that some Asian Americans, both immigrants and native-born, are occupationally restricted, overqualified, underpaid, and underpromoted. Sociologist Wong concluded from his analysis of the U.S. census data that on average, Asian men and American white men have comparable incomes, although Asian men are better educated.

The ideal has been that the immigrant should Americanize or assimilate into the mainstream. The melting pot meant homogenization. But in 1972, the board of directors of the American Association of Colleges for Teacher Education adopted a statement entitled, "No One Model for America." In this statement, cultural pluralism is endorsed in pure and strong terms. Further, it stresses that the commitment to cultural pluralism must permeate all areas of the educational experience provided for prospective teachers.

I believe that the story of immigration, its influence on contemporary American history, the people and the cultures who have been part of the story, needs to be included in the learning experiences of the young. Similarly, the theme of persecution of minorities needs to be included in the learning experience. They are part of mankind's common heritage, and a part of our contemporary problems.

I would finally like to present to the committee the report of the California Task Force, which stated that none of the 15 basic social studies texts, or 43 supplemental texts and teachers' editions examined, was in compliance with the California State Code on content regarding minority groups. This task force wrote that, and I quote, "That books generally reflect a pervasive ethnocentrism in both framework and content, and insensitivity to people of various ethnic groups. Some of the most flagrant abuses occur in the teachers' guides and teachers' editions."

CHAIRMAN CHAN. Thank you very much, Mr. Assisi. The next on the panel is Mr. Tom Surh.



## **A Broader Look at Immigration Policy in American Society**

### **Statement of Tom Surh**

MR. SURH. Thank you very much, Mr. Chan. My name is Tom Surh. I'm with the Korean Community Service Center here in San Francisco. I'm on the board, and I have served as their legal counsel, legal resource, for many years, counseling immigrants directly, or the staff, in dealing with immigration and other legal issues.

The reason that I am here on this particular panel is that I served for 1 year on the staff of the Select Commission on Immigration and Refugee Policy in Washington. That was in 1980. And I will say that coming away from that experience, the single most salient information that I picked up in working on that commission was the demographic information which indicates that since the reproductive rate of Americans has really leveled, almost all of the growth in the American population is coming from immigration. And what this means, literally, is that by the middle of the next century, there is a real possibility in the United States that the term "minority" will really have no meaning anymore. We'll all be minorities.

Now, I'd like to hark back to a time in America when there was real, true racial homogeneity. There wasn't as much of a need for a Civil Rights Commission. There was no need for immigration laws. But then, of course, came the time when the European explorers and settlers began to move in.

My view of this is that morally there is no racial or ethnic group that has any claim on the United States society or culture. Indeed, I think that our history of our treatment of the native peoples here imposes on us as a nation the moral imperative that this Commission is mandated to uphold, and that is to protect the civil rights of all people, without regard to the race, culture, national origin, and so forth. That is my starting point in the analysis that I want to present to you today. That is, that there's nobody that has an exclusive claim on a superior right to be here in the United States. And what we're looking at, of course, when we examine immigration policy in its broadest terms is exactly that question: who gets to come here, and literally, what is the complexion of the United States population going to be in the next century.

I think it's very important and very significant that Mr. Assisi pointed out some of the history of our immigration policy and the movements here. You talked about "la mata"; well, San Francisco is "la mata" of the anti-Chinese, the anti-oriental movements that really led to the very first immigration law. That is, the Chinese

Exclusion Act, over 100 years ago. Before that time, there was none. Anyone who could afford the passage could get here.

So that immigration law in this country was born of that racist sentiment. And in this whole area, there has been a legacy throughout our history with immigration law and policy as being the most blatantly racist and discriminatory of any area of immigration law and policy.

It carried through, of course, to its culmination in the National Origins Act in the 1920s. Which essentially cut off our immigration from Asia and many other parts of the world. The '65 amendments did bring a measure of relief. And just to illustrate the incredible impact that a change in the immigration laws can have, I'd like to point out a couple of incidents from my life, growing up in America.

In 1955 my family moved from southern California to Columbus, Georgia. And I remember very distinctly—I was pretty young, then—going shopping with my mother in the downtown Columbus, in a department store. And I went to get a drink of water. And there were two fountains: whites and colored, right? So I said to my mother, well, which one do I use? This white woman who overheard me said, “Well, of course you use the white fountain.” I tried them both, and I soon learned why: the white fountain had the cold water, and the colored fountain had the warm water.

The point that I'm trying to make is that in Georgia at that time, Asians were a curiosity. We were an unknown commodity. We were not a threat. And we were treated with deference, in that context.

Let me tell you another story. In 1975 I had a chance to go to Washington, D.C., for a visit. At that time, when I walked the streets of the Washington area, people would talk to me, and they would ask me, well, what embassy are you from? I'm still a curiosity. We were not really known, even as late as '75.

When I went to back to serve on the Commission staff in 1980, everything within that 5 years had transformed dramatically. This time when I walked down the street, people would assume that I was a refugee of some sort, and they wanted to know how I got here and so forth.

But the whole landscape for Asians had changed dramatically, and we were beginning to see—we'd drive around and see the Korean churches everywhere, and we'd see all sorts of evidence of the refugee resettlement efforts at that point, which really impacted nationwide, because of the policy when the refugees came here to disperse as much as possible, and not—you know, not have the

refugees concentrated in certain areas. So we had a lot of refugees in D.C.

And we were beginning already, at that time, to see some tension, some real tension, as particularly the Korean shopkeepers, the grocers and so forth, moved into black communities. Again, it's that whole question of, you're becoming more visible, your population is no longer localized on the west coast or maybe parts of the east coast, but throughout the country, you're beginning to see large and significant numbers of Asians. And that, I believe, is one of the primary causes for the kinds of reactions that we're beginning to see throughout the country: the English only, the anti-Asian violence, and so forth.

It's one thing to talk about this kind of reaction to the new immigration on the streets. But this reaction is beginning to occur in the Congress. And this is the most worrisome issue to me, as someone who followed immigration policy and watched it.

If there's any doubt about the statement that Stewart Kwoh made earlier regarding the Simpson-Kennedy bill as the new Asian Exclusion Act, I think that it would do well for us to look at why that legislation was introduced the way it is. Because, you see, I was on the staff of the Commission. Senator Simpson was one of the Commissioners. When he introduced his first bill, after the Commission reported in 1982--and that's the bill that came year after year after year, and it's been a very persistent sort of thing--this is what he said on the floor of the United States Senate. After quoting those demographics that I mentioned to you earlier, he went on to say, quote, "If immigration is continued at a high level"--meaning the current level--"but a substantial portion of these new persons and their descendants do not integrate fully into society, they may well create in America some of the same social, political and economic problems which exist in the countries from which they have chosen to depart.

"Furthermore, if language and cultural separatism rise above a certain level, the unity and political stability of the nation will in time be seriously eroded. Pluralism within a united American nation has been our greatest strength. The unity comes from a common language and a core of public culture of certain shared values, beliefs and customs which make us distinctly Americans."

Now, the rhetoric has softened. But I submit to you that if you look not very far beneath that statement, you hear some of the same sentiments and the same feeling from the quotes that Mr. Assisi read to you earlier. It's this fear of foreigners. It's the fear that the cultural and racial mix is somehow threatened. And I

would implore you, as the spokesperson for the underrepresented and the powerless in this country to really make this your issue.

I recognize that the Commission did put out a very fine report in 1980 that talked about immigration policies, but mostly about procedure. But I sincerely believe that it's time for the Commission to provide the leadership in speaking out on the value of the diversity in American society. Diversity can be our greatest strength, or our greatest weakness. But I think all of you are familiar enough with the cultural diversity in this country to know that it is a tremendous strength. It's what makes America what it is. It brings us not only our cultural richness, but really our economic strength, as well. The immigrants that come to this nation, many, many studies have shown, bring enormous energy and creativity. And if this Commission will help lead the way in really bringing that home to people, I would say to schoolchildren throughout the land, through curriculum materials or whatever, to encourage the development of educational materials that would show people how important it is to have young people grow up appreciating the diversity, and not fearing it, and not reacting to it in the way that we've seen.

CHAIRMAN CHAN. Thank you, Mr. Surh. Commissioner Destro, do you have a question?

COMMISSIONER DESTRO. A short one. There's any number of questions that could be asked. I suppose probably the one that I'd like to ask first, is the question about the spouses. I didn't really get a sense for the numbers of people who are having these problems. And how many women are really at risk for deportation?

DR. KIM. Okay. I have not provided some of the statistics, which are very unreliable. Nevertheless, just for the background, there are close to half a million Asian spouses who, married U.S. servicemen overseas.

Now, I think at this point we are estimating close to 20,000 Asian women who marry U.S. servicemen enter this country. As the law became effective in '86, we're beginning to see the impact of it. In view of the fact that many of these women are very unfamiliar and do not speak English, and the majority of the relationships are rather skewed with the husband dominant, I could say with a very clear conscience that the majority of them will be at risk. Either through ignorance, or by intention.

And I think there has been very concerted community education and legal assistance for these couples to remove the conditional status. But there's absolutely no provision whatsoever. And I do work with many of the U.S. servicemen who are equally ignorant.

They don't know what it means. So that they're at great risk. I think the impact is great, and I think we really need to have some national strategies, or some way of gauging the magnitude of the problem.

COMMISSIONER DESTRO. You said you're doing the research basically with respect to Asian spouses.

DR. KIM. Correct.

COMMISSIONER DESTRO. Do you know who else is doing research with respect to spouses of other ethnicity?

DR. KIM. I really do not know.

CHAIRMAN CHAN. Mr. Kwoh, do you have a comment that?

MR. KWOH. Maybe I can just add on the statistics. I don't think anybody has accurate statistics yet, since this was just passed in late '86. However, in addition to what Ms. Kim mentioned, the whole situation is that the Marriage Fraud Act applies to all Americans. And the Immigration Services' estimate, their prospective on this, is that 40 to 50 percent of all the marriages that relate to immigrant visas, are fraudulent. We're talking about half of the marriages they're going to be scrutinizing. The situation that we've found in our legal center is many battered women are in situations where Asian or non-Asian men are holding them captive for at least 2 years. And if there is a divorce, they are the ones who are thrown out of the country.

CHAIRMAN CHAN. Commissioner Ramirez? Do you have a question?

COMMISSIONER RAMIREZ. Well, it's a followup.

Are they treating Asian marriages between U.S. citizens and Asians differently? Are they considering them more likely to be fraudulent than those between U.S. citizens and French spouses, or is it that because the immigration situation for Europeans is still less competitive.

MR. KWOH. Maybe Ms. Kim can answer this. But let me just briefly say, 85 percent of legal immigration to the United States today is from Asian and Latin American countries. So, that in itself would say they're going to scrutinize Asian marriages, at least in numbers, a lot more than European/U.S. citizen, or U.S. permanent resident marriages.

COMMISSIONER RAMIREZ. But are they more likely to scrutinize--

MR. SURH. Could I try to address that? For those of us who practice immigration law, there's no question that the INS has different standards for different national groups. I remember very distinctly, in about 1982, when the Koreans became a suspect group, the processing procedure totally changed. The processing

times changed. And that's because they were starting to scrutinize Koreans more carefully. This does shift.

Right now, I would say that the prime suspects are Filipinos, Koreans, Indians, and there are probably others at this point. Certain countries in the Middle East are prime suspects, and they get treated very differently.

CHAIRMAN CHAN. Commissioner Guess, do you have a question?

COMMISSIONER GUESS. Yes.

Dr. Kim, I want you to clarify, are you suggesting that maybe the United States Government, as it relates to servicemen and marriages that occur between servicemen who are stationed in the various foreign countries, are you suggesting that the United States Government should adopt a policy to discourage those marriages?

DR. KIM. No. Not at all. And I think this is one of the rights, sanctity of the marriage and the free choice is the one that's guaranteed by U.S. Constitution. And on that basis—also U.S. values, family ties—this is why they exempt it from quota.

This climate of discouraging, already exists. The regular petitioning process for the foreign spouse, already exists. But then they have added postmarital surveillance for 2 years. Now, this is double whammy. That's what I'm trying to say.

## **Session III: A Southeast Asian Perspective on Civil Rights**

**CHAIRMAN CHAN.** We are fortunate to have three panelists in this particular area. The first one is Mr. Andy Anh.

### **Civil Rights and Southeast Asian Refugees**

#### **Statement of Andy Anh**

**MR. ANH.** Good afternoon, distinguished members of the Commission, ladies and gentlemen. My name is Andy Anh. I am Vietnamese community worker. And I work for the Economic and Employment Development Center, a nonprofit organization serving the refugees in southern California. My job also brought me to various part of the nation, where there is a concentration of Southeast Asian refugees.

First of all, the Vietnamese now make up about 10 percent of the total Asian-Pacific population in the United States. Unlike the other Asians who are concentrated mostly here in California, the Vietnamese are scattered throughout the 50 States of the Union.

Among the six major groups of Asian-Pacific Americans, namely the Chinese, the Japanese, Korean, Filipino, the Asian Indian, and the Vietnamese, the Vietnamese are at the bottom of the economic totem pole. Unlike the immigrants, the refugees had to flee their homeland and had to leave all their material possessions behind. My family, for instance, 14 members in all, landed here in California with nothing but the suit on our back.

Also, unlike the immigrants from Korea or Hong Kong, Taiwan or Japan, who, thanks to the extensive bilateral trade with their former countries and the United States enjoy a lot of economic opportunities and employment, the Vietnamese unfortunately do not have any such opportunity, because their former country has no relationship whatsoever with the United States.

Although literate, that means that they can read and write their own language, more than 50 percent of the Vietnamese have less than 6 years of education, and more than 80 percent of them do not speak any English, or so little that could be of any use in jobseeking. Most do not have any transferrable skills. Simply put, the Vietnamese are the most disadvantaged group of people in the United States.

Coming from a country that has been at war for 40 years, the Vietnamese have developed a strong sense of survival. So, without much education, without skills, without the English language, they came to this country armed only with their survival skills. Namely,

hard work, patience, frugality, and family unity. They don't challenge the authorities, legal authority or otherwise. They don't know how, because they don't understand the law. And they don't organize and defend themselves. So all this leads to the wholesale abuse of their civil rights all over the country.

At times backed into a corner and deprived of their own rights to make a living, they take the law into their hands. We don't want this to happen, but unfortunately, this did happen. Perhaps Commissioner Ramirez in Texas remembers 7 or 8 years ago when the American fishermen started to burn the houses down in Galveston, Texas. So they had a shootout at sea. And a couple of American fishermen got killed. The Vietnamese were acquitted for self-defense. Since then, a lot of other horror stories happened also at sea. American boats cut into the nets of Vietnamese fishermen, and in self-defense, the Vietnamese have no other choice but to ram their boats, the small boats, into the big American boats. So they all suffer.

I can sit here and tell horror stories the rest of the afternoon. But I don't think that is the purpose. The Vietnamese suffer all kinds of abuses. Some of them subtle, but most of them not so subtle. I want to present this Commission this afternoon with three cases.

First, the parents, or the older refugees, when they came here to the United States without education, without skills, so in compensation they make sure that their children have a good education. And many refugee families for the first time in their life have sons and daughters with a college education. So we're very proud of that. Unfortunately, 60 percent of the Vietnamese college graduates are unemployed 2 or 3 years after graduation. Sixty percent.

There's not much we think that this Commission can do about that. But there are two particular items that we want to draw the attention of the Commission to and we respectfully request this Commission to investigate.

One. The fishing industry in the Gulf Coast was a dying industry. Local folks there preferred the oil industry because it was more lucrative. The Vietnamese refugees came in and filled the gap and revived the fishing industry. One of the items that contributed to the large trade deficit of this country was the importation of seafood from Central and South American countries, as well as the Far East. The Vietnamese fishermen in the Gulf Coast contribute in no small way to the reduction of the trade deficit, as they account



now for more than 50 percent of the total production of the seafood in the Gulf Coast, from Florida to Texas.

Not in a position to compete with the Vietnamese fishermen, the local fishermen used their pressure, and now various agencies of the government, the National Fishery, U.S. Customs, health agencies of States and county, to keep harassing the Vietnamese fishermen in the Gulf Coast, unnecessarily. And this we think is a big shame. We request this Commission to investigate that.

The second that we also request this Commission to investigate is the problem of the Vietnamese workers in the midwest. From Iowa to Nebraska to Kansas, there is a large Vietnamese community working in the meat packing plants. The labor practices for these meat packing plants, to say the least, are very abusive. And, simply put, not humane. And this involves—the reason that we request the investigation from the Commission, because it involves thousands upon thousands of Vietnamese workers who do not want to be on public assistance, and all they want to do is to make a living. They've been abused; they've been exploited by these meat packing houses in the midwest. So we respectfully request the Commission to investigate.

CHAIRMAN CHAN. Thank you, Mr. Anh. Our next one on the list is Mr. Tou Doua Kue. Mr. Kue?

### **Civil Rights Issues—A Laotian Perspective Statement of Tou Doua Kue**

MR. KUE. Thank you, Mr. Chairman. I'm Tou Doua Kue, and I'm a member of the refugee community. I would like to raise three issues. In general, the Southeast Asian refugees are refugees by definition, coming to this country without choice. However, the definition may be too broad. In specific, I'd like to mention that the refugees have been determined to come to this country. They were screened, interviewed, and made a determination before they came here.

We came to this country to become contributing members. The problems we are facing right now are education, employment and business development. And I think my friend is going to talk about education. However, I want to raise a couple of issues.

In the State of California, there are only two Lao teachers in the school system. The schools just ignore the State regulations, the Federal regulations, providing bilingual teachers to the non-English-speaking students.

The second thing, issues raised by the large number of Laotian refugees on public assistance. The government, or the agencies

servicing the refugees, do not have adequate staff to help these people, regardless of the language background and skills.

The third issue is business opportunities. I'll give you an example. There's a Laotian and a Cambodian businessmen, entered a partnership to run a business. They have been in business for 5 years, since '83. Now they want to expand the business beyond a family business to a national or a regional business. I was involved in sending them to the minority business agency. And the loan packager said, "Your package looked fine to me. Take it to the bank, you'll get it."

We went to the first commercial bank. The assistant at the branch happened to be a Caucasian. And he said, "No, we wouldn't fund you. We wouldn't give you a loan, unless guaranteed by the Small Business Administration (SBA)." We went to the second one, happened to be a Mexican origin manager. He said, "Well, I will give a credit line to you up to \$5,000. But there would be no loan."

We went to the third one. This guy happened to be another Mexican. He said, "It looks fine to me. You have a large inventory, your equity is \$600,000. Well, I can approach the bank for 0.05 of your equity. Because you have not been here long. Thirteen years, 10 years. That's not long enough for us to give you all the money."

So people do not give refugees jobs because we lack transferrable skills. And if we cannot start our own job, then where can we go? How can we become a contributor? We face discrimination everywhere we walk. The schools do not provide the services that we need for our kids. The Job Training Policy Act program does not serve the refugees. They don't have staff to serve our people. They say these people, their education is too low, they are too far below our requirement. We face discrimination in getting skills to be marketable in this society. We want to start a business and we face discrimination in getting a loan to run a business.

CHAIRMAN CHAN. Thank you, Mr. Kue. Our third one on the panel is Mr. Duangmala.

### **Education and Immigration Issues Statement of Prasert Duangmala**

MR. DUANGMALA. Thank you, sir. Honorable members of the Commission, my name is Prasert Duangmala. I am from Stockton. I work for the county, and I also serve as advisory board of the board of education in Stockton Unified School District. Thank you for allowing me to present to you two issues today. First of all, I'd like to talk about education, and then a little about immigration.

Out of 42,000 students in the Stockton Unified School District, there are 9,500 limited proficiency students predominantly Southeast Asian and Spanish. Out of 9,500, 5,364 are Southeast Asian students including Cambodian, Hmong, and Vietnamese students. Only two bilingual teachers. Plus, we are far behind in the need of the teacher aides.

My recommendation is at the State level and Federal to allocate special funding for our special training program for teachers, bilingual teachers and teacher aides. We don't have enough now.

According to State law, our people must pass the C-BEST test, and must obtain credentials in order for us to teach our children. We would like to present to you to waive the C-BEST and credential, and allocate some kind of funding to train our people in special programs. We need qualified teacher aides and qualified bilingual teachers. If the teacher aides would like to become bilingual teachers, train them. If bilingual teachers would like to become teachers, train them.

This is education, and I'd like to talk a little bit about immigration. Many Cambodians and Laotians are in refugee camps. So I would like to present to you today to talk to the high Commission for Refugees to bring them all to United States; Vietnamese, Laotian, Cambodian, bring them all. They all run away from the enemy to our side, and then we put them in confinement. I wouldn't support the idea of repatriation. Later on, if they go back home, we don't know what their fate is going to be. They could be arrested. They could be killed. So we need your Commission today to present this to the high Commission for Refugees in United Nations to bring them all to United States.

They pray every day, every night, to come here so they can have time to go out and work, and to become self-sufficient in the future. And the children even have no future. No future for them at all.

They know what it will be like—if they come to this country, in the future they will be taxpayers in the country. Maybe not first generation, but the second generation or third generation, they will be the ones that help this country be strong, in the future. So I would like you to take my suggestion today to make consideration, to talk about this to the concerned agency.

CHAIRMAN CHAN. Thank you, Mr. Duangmala. At this time, I'd like to start with Commissioner Buckley. Do you have a question?

COMMISSIONER BUCKLEY. Yes. Mr. Anh, when you talked about the two areas where you think that we have jurisdiction and we should be looking at, you talked about conditions in the meat

packing houses in the midwest, could you give us say one example of a specific example that we could—

MR. ANH. Yes. We all know that the work in the meat packing houses is dangerous work. You have to handle sharp equipment. You have to stand up all day in the freezing conditions. And when an accident happens, or an injury, the employee, in this case the refugee employee, is dismissed from the company.

COMMISSIONER BUCKLEY. As soon as he gets injured?

MR. ANH. Yes. The local authorities that we have requested to help us to solve some of these cases, unfortunately in these small towns, the whole town is supported by one single industry. The town and the county are at the mercy of that particular industry. At the threat of closure or pulling out, so the local authorities are powerless when it comes to these kinds of complaints and the abuse of the civil rights of the workers in these meat packing houses. So we, for instance, request the Commission to start with three cities, like Liberal City, Garden City, and Dodge City in the western part of State of Kansas, where some of these major meat packing houses are located. Vietnamese refugees make up as much as 50 percent of the total work force in those meat packing plants. And they're so serious, that's the reason why we request investigations from this Commission.

CHAIRMAN CHAN. Thank you, Mr. Anh. Commissioner Ramirez, please?

COMMISSIONER RAMIREZ. Well, I want to thank all three of the witnesses for very important information that was presented to this Commission. And I have questions for all of you, but perhaps we can follow up later on with some of those specifics.

I guess I'm, as Mr. Duangmala was presenting his testimony, I was reminded that some 15 years ago I was an expert witness in a case involving the Stockton Unified School District. And I wondered whether what had been the effect of that case—I haven't looked at it in 15 years. But more importantly, I wondered whether a person like yourself, who clearly is a person who is a spokesperson and a person committed to their community, and others like you—and this would apply to all of the groups—whether you have any mechanism for availing yourself of the protections through the courts that might be available to you.

Do you think in terms of the possibility of filing a lawsuit? And what would happen if you did, or how do you view that? Or is it that you believe that you would not be protected?

MR. ANH. As I said earlier in my presentation, the refugees, due to the lack of education, one, due to the lack of understanding of

American laws, two, are not equipped for such an undertaking, particularly in the legal procedure in the United States. The most important question for them now is survival. And like I said earlier, they came from a country or countries which have been at war for 40 years. So all these things like you don't challenge authority, you don't question the authority. So they carry with them the same attitude over here, and the lack of the law and knowledge of the law and also the different perception make it very difficult for them to undertake any legal procedures. We have to rely, therefore, on organizations like Asian-Pacific American Legal Center to help us. But by and large, they grin and bear it and try to find ways to get around questions, instead of attacking them up front.

COMMISSIONER BUCKELY. Can I ask a followup to that?

CHAIRMAN CHAN. Sure.

COMMISSIONER BUCKLEY. Have you filed any kind of a letter or any kind of information with the office of Civil Rights here in—I think it's in San Francisco, in the Department of Education? Have you worked with anybody in that office at all to come in and look at your district lately?

MR. ANH. No. There's some other organizations like today, like Dr. Yee, Leland Yee, or perhaps Henry Der, brought up some of these questions as local problems to the local authorities here. But by and large, the problem exists nationwide, because the Vietnamese and the other refugees are the only Asians that are resettled in all 50 States of the Union, not only here in California. So the problem is widespread throughout the United States.

CHAIRMAN CHAN. Mr. Kue?

MR. KUE. This is a bad example. I want to bring it to you, however. You may have heard about the case of the dramatic incident in Stockton, the killing of five refugee children. The school has no full-time Southeast Asian teachers, even though 75 percent of the children attend that school. They're assigned some part-time teacher to come in an hour a day.

The community has brought the school to court. We don't know the future of this, but the school has not responded.

COMMISSIONER DESTRO. Let me just ask all the members of the panel, whoever has the information. For qualified teachers who are interested in learning these languages, where are the resources to actually teach them the languages?

MR. DUANGMALA. We have potential people who can teach, but we have no right to teach. We have to pass the C-BEST and have to obtain the credential, life credential to teach. We want to waive those kind of strict regulations for our generation, this generation

at least. So these potential people, they were teachers before, in Viet Nam and Cambodia. A lot of them. But they cannot go into this field, because they do not have time to go into school while they're supporting their family.

CHAIRMAN CHAN. Do you want to ask another question?

COMMISSIONER DESTRO. No, that's it.

CHAIRMAN CHAN. Well, again, the panelists, do you have any questions yourself, for the other panelists?

MR. ANH. Yes, Mr. Chairman. I today came with not too many questions, because I want to focus on these two items. And we would like to emphasize again that this is a question of life for us. So we respectfully request the Commission to pay attention to these two particular items that I mentioned earlier.

## **Session IV: Political Representation**

CHAIRMAN CHAN. Session four is on the subject of political representation.

Mr. Vuong?

### **Barriers to Political Employment by Asian Americans Statement of Vu-Duc Vuong**

MR. VUONG. Thank you, Mr. Chairman, and Commissioners. My name is Vu-Duc Vuong. I am the executive director of the Center for Southeast Asian Refugees in the Bay Area here.

I would like take 1 minute or so to mention a little bit about the center. The center started about 14 years ago with the coming of Southeast Asian refugees. I myself came from Viet Nam. And we started as a social service, providing service for refugees. In the Bay Area, which includes Oakland, San Francisco, Marin County, and San Jose, we now cover about 120,000-125,000 Southeast Asians.

The service now is also not just employment and vocational training and education and so on, but also making loans, helping people open businesses, and language translation. Also, in the civic area, helping people to become citizens, helping people to go to vote, register to vote, and we actively encourage people to actually seek offices as well in the future. These topics are the focus of my remarks today.

Civil rights is not just an absence of discrimination. It also should be a way to promote, to let people grow, to bring out their full potential. And one of the potentials is the participation in the political process to make society a better place for himself, for their children, and for the whole country, as well.

That is the context of why Asian Americans should get into politics as much as possible, as soon as possible. And it's in this context that we would like to—if we can—create an agenda for 1990s. Political integration is one area that I would strongly suggest the U.S. Commission on Civil Rights to explore.

For the purpose of political integration here, I will be touching upon four areas. The first one is the social adjustment stage, integration stage, where people come in, find out what society is like, how to function, the language, the culture and so on. And then move on to the second stage, which is the educational stage.

And then the third stage, which is the economic stage. This is a way for you not only to feed your family, but also to gain control of your life. Because if you own your business, then at least you have little bit more control. You also make more money; you think

that the richer the Asian Americans can be, the more power to them.

But influence really takes a fourth stage, which is the political integration. That means, to vote, to become citizens, to participate fully in the political process here.

My colleague, Kevin Acebo, will address the census issue in much more detail and also much more knowledgeably than I can. But there's three areas that I want to deal with on the barriers to political integration. One is the voter registration, second the financial contribution area, and the third one is the lack of Asians who are running for office so far.

The voter registration is an ongoing process in the Asian community for many years. We hit everyone on the street corner and in Chinatown, and in Vietnamtown, Japantown. We have had some success. But it is still a hit and miss process. One way to increase registration is to deal with students. The senior year in high school and the fall semester in college should be a time when you can register anyone who is 18. Another suggestion would be for employers to deliberately encourage their employees, especially immigrants, to register to vote.

The second point concerns financial contributions. Asians, even though we still stay outside the political process, do contribute quite a bit. But the return has been very little. Because the Asian population do not exact what we need or what we want from that political process.

Lastly, we should encourage Asians to get into politics, and not just get into by voting or by giving money, but also by working on campaigns, and especially running for office. There's really no one who can be our champions any better than we can.

In term of barriers, there's two general barriers. One is internal. And I think the internal barrier is the responsibility of the Asian American community to change itself, to educate ourselves. We have to bring our people into the system. To educate, inform, make sure that they participate.

But there are other barriers, and I think the focus of the Commission should be on the barriers from outside of the Asian community. And there's some very blatant ones.

Just to name one example. Last year, there was a Korean American who ran for the city council in the Peninsula City here. The *San Jose Mercury News*, which is one of the largest newspapers in northern California, and very well respected, actually took out



one lead editorial asking people not to vote for that Korean American on the basis that they speak English with an accent.

Now, I don't claim that I speak fluent English, the Queen's or the King's English, but I think—I hope that you people can understand. To exclude people on the basis because of you don't understand 100 percent, or they don't speak with a midwestern accent, is not only discrimination, it's stupid. We are losing people in that sense.

Second part is in the media and the entertainment industry. Stereotypes that Asian American are illegal aliens, or are not good enough to be legal. That's what we need to combat. That's what we need to fight, because unless we drop those barriers, it's very difficult, almost impossible, to get Asians in.

And the last thing is that a sort of backlash so far of Asian politicians. People tend to think that there are too many Asians already in office, in the workplace here. Even a city like San Francisco, 35 percent of the population is Asian. There's 11 members on the city council. There's only one Asian. And the talk is that Asians already are represented adequately. So, you don't need any more. That is nonsense.

We hope the U.S. Commission on Civil Rights would really push the agenda to help the Asian American community fully participate, not just participate, but fully participate and bring them to their potential in the political process.

CHAIRMAN CHAN. Thank you, Mr. Vuong. Mr. Acebo, please.

### **The Census and Reapportionment—How it Will Affect Asian and Pacific Islander's Political Representation in the 1990s** **Statement of Kevin Acebo**

MR. ACEBO. Thank you, Commissioners, for the opportunity to share briefly my observations about the census and the reapportionment, and how it may affect Asian and Pacific Islander political representation in the 1990s. For the record, my name is Kevin Acebo. I am president of Asian Communications, a campaign management and public affairs firm.

Prior to establishing my own business, I worked for 8 years for the California State Legislature, and have managed State and local campaigns. One of my main responsibilities for the speaker of the Assembly was to advise him on various issues relating to the Asian and Pacific Islander communities in southern California.

Today, you've heard from many who testified that the Asian Pacific Islander communities are growing and will continue to grow. This, in my opinion, means that the 1990 census, as well as the

1991 reapportionment of Congressional State and local districts should be of keen interest to the civil rights of Asian and Pacific Islander communities. And for better or for worse, depending on your perspective, the two are inextricably tied together.

As I travel around the State, people ask me, why should Asians and Pacific Islanders care about such technical issues like the census and reapportionment. I respond by paraphrasing a former mayor of Atlanta. There are just two itsy-bitsy things that concern our communities; money and votes. What we're talking about is close to \$35 billion in programs. And whether advertising, marketing and social science types will consider Asian and Pacific Islanders worthy of attention, and if in the next 10 years we will see more elected officials of Asian and Pacific Islander descent. For Asian and Pacific Islanders it is not the end result but the steps taken to get there.

In other words, for us to be a real part of the reapportionment process, and thus politically a part of these growing numbers of Asians and Pacific Islanders, a good census must be taken. And that means identifying what issues are out there for Asian and Pacific Islanders to discuss when it comes to the census. Compared to the 1980 census, the Census Bureau has made a real effort to ensure a proper accounting of Asian Pacific Islanders. However, it should be noted that if it was not for our good friend, Congressman Robert Matsui, and many people in this room, specific Asian and Pacific Islanders groups would not have been counted.

The two issues I would like to touch on briefly concerning the census are the post enumeration survey, and the cultural agent program. Recently, because of a settlement brought by suits from many big cities requiring the use of a supplementary kind of technique designed especially for densely populated areas of large cities where the standard enumeration has tended to miss people, the Census Bureau had the chance to make a complete count of an increasing and visible population of the homeless, minorities, and immigrant communities.

Ten years ago, the undercount of Asian and Pacific Islanders was an important issue when the Commission held its last Asian and Pacific Roundtable in Washington, D.C. It continues to be the same thing today.

The post enumeration survey, because it's the best chance to correct an undercount that everyone admits but refuses to do anything about, deserves the attention of the Commission, and monitoring of the Commission. The postenumeration survey will make an estimate of the national population based on a sample of

150,000 households. However, the demographers who developed the technique said it should be based on 300,000. There is a question whether the smaller sample will be detailed enough to be useful in reapportionment. Although the survey might find more people living in a major urban center like Los Angeles, it might not be able to pinpoint where people live. Therefore, larger populations in cities may not be accounted for when the lines are drawn for congressional and State and local districts.

The results from the postenumeration survey won't be out until 1990, and will have no effect on the 1990 census, which in fact is proceeding with business as usual, and that means another undercount of minorities in communities. The Secretary of Commerce is not bound to use the results of the survey to make any adjustments. Why take it, then.

And fourth, an advice committee on the postenumeration survey is to be set up. I would hope that an Asian or a Pacific Islander is appointed to that advisory group.

The 1990 census provides Asian and Pacific Islanders to be part of the actual census taking, as I understand it, as cultural agents. This person will be a volunteer, or a paid person, and would sign an agreement that he or she would not reveal the confidentiality of the census for 72 years, and will be able to accompany a census taker. This cultural agent will be able to help speak the language, serve to explain the cultural barriers of both him and the prospective person to be counted. And in my opinion, a very good fail-safe against an undercount of the large Asian and Pacific Islander immigrant communities in the state.

It seems simple, but for immigrants who are limited even in speaking, and in some cases distrusting of anything associated with government, a familiar face can make the difference between counting that person or not. Of course, the Federal Government doesn't have the budget to hire hundreds of thousands of cultural agents. Our greatest, and the best interest of the cities and counties of the State is to hire and train their own cultural agents. It would be a worthwhile recommendation from the United States Civil Rights Commission to encourage cities and counties to finance cultural agent programs. Thus, it would send a message out of support for a complete count, as well as giving the census back to local communities of interest.

Timing is crucial for Asian and Pacific Islanders, because in 1991 comes that decennial exercise called reapportionment, which can determine the degree of political integration and participation. Any attempt to alienate significant populations of Asian and Pacific

Islanders in the reapportionment process is not conducive to making communities whole.

Ideas of equality pervade the discussion of reapportionment. And the press, the politicians, and the courts, the language is rich in egalitarian references. The main question is, do their words denote a real world perspective in which something happens to equality as a result of and in accord with the drive for equality. The issue of concern to me when it comes to determining political empowerment during the reapportionment process is the issue of viewing Asians as citizens and viewing Asians as noncitizens. Specifically, the perception of the Asian immigrant as a perceived economic threat, and in some circles known as the "new yellow peril," has at times caused racially polarized voting.

For some, it's a convenient reaction to vote no, against the Asian. The dynamics of competition and racially polarized voting is based on a false perception that Asians are not playing on an equal economic field with others. There is no one assembly, senate or congressional district, with the exception of maybe San Francisco, that is homogeneous to one Asian or Pacific Islander group or groups, that we could call an Asian seat. It is my contention in the 1990s that calls for Asian and Pacific Islander seats would be at the local districts—county supervisors and council, and the school board.

Presently, 80 percent of these districts are elected on an at-large or districtwide basis. And in the wake of the Watsonville case, requiring district elections, Asian and Pacific Islanders' opportunities for political representation—under the 1991 reapportionment—is greatly enhanced. And because of the traditional urban ports of entry like San Francisco, Los Angeles, San Diego, they are giving way to new large Asian and Pacific Islander communities, like Carson, Cerritos, Pinole, Daly City, San Diego Valley, National City, South Santa Clara County, Fremont, and Newark. And reapportionment based on district elections and on the local level, to me is very important.

Because it is the fact that suburbs are growing faster than urban centers, and Asian and Pacific Islanders are buying homes and establishing families in these growth areas where much of the attention of reapportionment will be focused. I would hope that the United States Civil Rights Commission would be open to monitoring the reapportionment process in California, and providing guidance to localities as it pertains to growing populations of Asian and Pacific Islanders.

**CHAIRMAN CHAN.** Thank you, Mr. Acebo. Commissioner Buckley?

**COMMISSIONER BUCKLEY.** I really don't know how to address this question, and my concern is for the census, and what the Census Bureau has done in your community, as well as trying to do the outreach that it should be doing. I was talking to some individuals yesterday and checking with them on the number of census enumerators that will be Asian Americans, and what they've done to do that. And if they knew of what kind of information programs the census has set up in this area.

If you could briefly give us an indication as to what you have seen the Census Bureau do in this area, and what would be most important as far as encouraging that as many of the Asian American community be involved in the census as possible.

**MR. ACEBO.** Well, I know that during a census, it's for us, as Asian and Pacific Islander communities, to be vigilant in monitoring them.

I think the second thing is that there is planned to be a very aggressive campaign of public relations and education campaign. And how community-based organizations fit into that I think is crucial. I think there are people in this audience who probably can speak to that better than I can. I know that an Asian firm has been subcontracted with the national public relations that is handling for the census. But how community-based organizations, because they are probably the closest to bridging that gap where enumerators cannot, and where the census cannot. And I think that the potential of this cultural agent program is great. Because what you're doing is you're creating local-based organizers making sure that enumerators do their job, or help them do their job.

I would think that if there's anything that the Commission would do is to, (A), say to the Census Bureau that one, you need an aggressive association with community-based organizations. I think the second thing that you should say—you should recommend to work with the cities, the National League of Cities and National Association of Counties, to say it's well worth your effort to finance these cultural agents programs.

**MR. VUONG.** If I could just add to that. Almost a year and a half ago, the bureau was looking for a census form. The issue was how to identify Asian Americans. And they wanted to have each one write down what their nationality was. But that isn't a good idea given the difficulty with the language. Having a list to check is easier, and also more accurate, and certainly easier to count.

At first, the Bureau of Census refused to do so. And also, from the standpoint of the Southeast Asian American, we also asked that the Laotian and Cambodian should be added into the 1980 census, because in 1980 there were already Laotians and Cambodians in your country.

We are trying to do our own census study, for the first time. By which we mean we encourage all the community organizations, the churches, and so on, to open their doors. We recruit volunteers, and we ask people, Asian Americans especially in this case, to bring the census form to the community. Make it as a party, and if they need translation, if they need any help, to fill it out completely, accurately, and send it back. That's the way that we take some control in our hands, rather than rely on the count by the Census Bureau.

CHAIRMAN CHAN. Very good. Thank you, Mr. Vuong. And Commissioner Ramirez, please?

COMMISSIONER RAMIREZ. Just very briefly. Your testimony has been rich, and we appreciate all that you have shared with us. I do want to make one comment. The best way to accelerate the process of voter registration among ethnic groups is to have the candidates. Because that stirs up the interest. And you can do all the education in the world you want, but when somebody's nephew or niece is running for office, that's when we get people registered to vote. Especially when it's a niece.

I do want to ask one quick question. You referenced Congressman Matsui as an advocate. How successful are you in reaching the non-Asian politician in terms of accessing their advocacy for these kinds of concerns?

MR. VUONG. This comment is very well taken. I hope perhaps someday that my daughter will run for city or county so I can manage her campaign.

The issue about reaching out to other people, non-Asian, I think we are still at the very early stage. Just remember, until 1965, when the law on immigration was changed, Asians were basically excluded from the country. So it's only the last 20, 21 years that Asian immigration has come in here. For the Southeast Asian, we're talking about a very early second generation, and mostly it's still the first generation.

But we build bridges, I think at the local level. I am happy to mention that we just hosted a fundraiser, the first one for Steven Surah, who is a New York Jewish representative of the House. You may wonder why we would have in the San Francisco Bay Area host a fundraising for Steven Surah? Because he is the chairman of the

Subcommittee of Asian Affairs, of the House Foreign Affairs. And certainly with the local representatives, we do, but it's still very early and very little, so far.

CHAIRMAN CHAN. Thank you. Commissioner Destro?

COMMISSIONER DESTRO. Just one question related to the census. And I know this may seem a bit premature. But to what extent are the organizations which are interested in the undercount that you work with looking even further down the road to the next census after this one? In some of the organizations that I've worked with in Washington, and that I've met on census questions with the people at the Bureau of the Census, and find that at least by this time in the census cycle, it's too late pretty much to have any effect. And what I've been intrigued by in looking at census issues is the degree to which counting people seems to be a secondary function of the census. They want to know how many toilets, how many windows, and Congressman Matsui was very instrumental in getting the ethnicity question changed. Or actually put back in. But one of the main reasons why the census didn't want to put it in in the first place was because there were too many other questions that other people wanted to have into the census.

So I'm wondering whether or not any of the organizations that you work with are actually looking at some of those more fundamental questions down the road into the next census, because it seems to me that if you get to this stage in the year, like 1999, 1997, we're going to be in exactly the same position unless we look more fundamentally about what we want the census to do for us.

MR. ACEBO. Well, I don't know groups that are looking at the year 2000 census. They're very concerned with the undercount that occurred in the 1990 census, particularly when we see an explosion, and everyone will tell you there's an explosion all over the State of Asian and Pacific Islanders.

I think the fundamental question that you raise is, where will we be in the year 2000? And as we go through this process, I think the postenumeration survey is very key, because it is proven, it already has been supported by the National Academy of Sciences as a very valid way to adjust an undercount, I think that if that good faith effort is not—or a good faith effort to try to do that is not, I guess exercised by the Department of Commerce, then I think we're just going to be in the same mode that we were in 1978 and '79 and we are in '88 and '89 in terms of keeping the Census Bureau honest.

It's very hard for me to say to community-based groups that I have worked with, "I think you should look at the year 2000," when

you have to be concerned with making sure that your people are counted now.

COMMISSIONER DESTRO. Well, I guess my point is not so much to the community-based groups, because you can't ask them. But some of the policymakers with whom you deal, and obviously Congressman Matsui was looking down the road at the impact of not counting. It seems to me that the people who are advising at the policy level, what I was more concerned about is the people up there; the scholars that you work with, the politicians. The community groups have their hands full just, as other speakers have said, day to day, just living.

MR. VUONG. I think there's two things. One, this is an ongoing thing. So each time we learn a little bit more. But also, on the same issue, we are advocating in southern California here, because California is a State with so many immigrants from both Latin America and Asia, we are advocating that the State itself does a State census around 1995. This would give the Bureau of Census something to compare with. Because the State of California, for instance, can do a much more thorough, much more accurate count. That's another way of checking the count that is more useful for the State.

CHAIRMAN CHAN. Thank you, Mr. Vuong. Our next session is session five, concerning career advancement. Would the panelists please come to the podium?



## **Session V: Career Advancement**

CHAIRMAN CHAN. Ladies and gentlemen, as the chairman of the subcommittee, at this point I would like to turn over the chairmanship to our fellow Commissioner, Ms. Buckley.

CHAIR BUCKLEY. Thank you very much.

At this time, we'll hear from Mr. Paul Wong, please.

### **Discriminatory Obstacles Asians Face In Career Advancement Statement of Paul Wong**

MR. WONG. First of all I want to thank you for inviting me to the Conference on Asian Civil Rights. My name is Paul Wong, and my topic today is discriminatory obstacles Asians face in their career advancement.

Most of the companies in America today have a good policy of not discriminating against minority employees. And there are equal opportunities in their hiring practice and their promotions. But in reality, and in most instances, they don't follow through and support these programs.

According to one survey, as indicated earlier, I think it was pretty well presented by Henry Der from the Chinese for Affirmative Action, and Mr. Patrick Andersen from *Asian Week*, about two-thirds of the Asian professionals in the Bay Area in this survey indicated that racism and discrimination are main barriers to their career advancement. I myself was one of the victims of such discrimination, and I am here today to relate to you some of my own experiences—to add meat to the bone and support what Henry and Mr. Patrick Andersen were saying earlier.

I started working for this company 17 years ago. I'm a sales professional. I have an excellent sales record. I'm educated. I have an MBA in marketing and sales. I have many sales achievement awards through the 17 years I have been with the company. And I was promoted to a regional sales manager for the San Francisco Bay Area.

Now, for 3 years I've been on my job, and then a new group of management came in, and since then, racial remarks and racial slurs were very frequent. Just to give you a couple of examples. On one occasion, when I was talking to my boss, I was repeating to my boss about some sales figures, and my boss said, "Paul, slow down. I cannot write as fast as a Chinaman." He could have said, please slow down, you know, I cannot catch up with you. But he says, I cannot write as fast as a Chinaman.

The second time, I was with him in a meeting, and he says, "You have a poor image." I said, "What do you mean, I have a poor image? Do I wear button-down shirts, striped ties, wingtip shoes? Could you tell me what you mean by an image of a manager?" He couldn't answer me.

Eight months later, I was demoted. Demoted and transferred to a sales territory. Then I asked, "Could you tell me why am I demoted?" And he says, "Well, it's my gut feeling that you're not a good manager. You don't have any leadership behavior. You cannot speak well."

It's all subjective in nature. I said, "Then put it in writing. You know, give it to me in writing." Three months later, a memo comes out that I was demoted because of my poor performance. It's like adding salt to your wounds. It's like insult to injury. After you are raped, they tell you you are a tramp.

I was replaced with a Caucasian, 5 years with the company, with less education and less accomplishments. But—oh, just a note here. I was the only Chinese in the whole organization. Out of a total of 150 to 200 people in the whole marketing and sales organization, I'm the only Chinese.

Now, the company is divided into four areas. In the western area of the United States, from Denver westward, there's no blacks, no Hispanics. And two Orientals. One of the orientals is in Hawaii. I hired him myself in Honolulu. And if you don't hire an Asian in Hawaii, you know, who else are you going to hire? But we are the only two Asians in the whole western area of the United States, and this is a Fortune 500 company. The products are well known all throughout the United States and all throughout the world.

Anyway, you know, discrimination of this kind is very difficult to prove. Subtle discrimination usually hides behind the corporate excuses of performance, communication skills, leadership behaviors, and images.

You know, I'm here today not only as a citizen, I have my rights, and also it's my duty to talk to the Commission; but also, I'm here to contradict the stereotyping of Asians that we are submissive, that we lack leadership behavior, that we are quiet, that we don't rock the boat, and therefore we don't have any management skills and we are not leaders. And I also want to confirm the fact that, glass ceilings and racial discrimination are common occurrences every day in corporate America, in the private sector as well as in the government. And I want to emphasize that the words "equal opportunity," in hiring and in promotions, should not be just a

slogan. It should not be just a memo on the bulletin board. It has to be a strong commitment, a priority. And nothing less will work.

CHAIR BUCKLEY. Thank you very much. Dr. Patwardhan?

DR. PATWARDHAN. Ladies and gentlemen, I'm going to take only 2 minutes of your time. I am—I believe I am speaking for Asian Indians. We are a very well-educated community. Most of us are professionals. Ninety percent of us are professionals.

We come here, we try to get assimilated. We try to do a very good job. Monetarily, we are fairly successful, as a group. Professionally, we have a major problem. When it comes to the people at large, for example, a doctor and patient, we are good. As teachers, we are excellent. We get good reviews. Patients just flood our offices. Students come to our offices. They will commend us.

Then we come to the peer review process. We get into major trouble. One, it is my opinion that there is a sense of competition. And we are a very insignificant minority when it comes to numbers. In the universities or colleges, as one of two Indian professors, everybody else is American. Same thing happens when you go to the hospitals. Very few doctors are Indians. Very few dentists are Indians.

So no matter how good we are where it counts, as far as our work prestige is concerned, as far as our advancement is concerned, we fall behind simply because of the peer review process.

I have discussed this problem with quite a few other Indians. The engineers have flatly told me that they can never get assignments in the managerial positions. If you go to the hospitals, it is a routine matter to see that the Indian doctors are the very first to be disciplined or not allowed to come in. If you are a dentist, if you're an American dentist, you can practice in any State, any part of the United States. If you are an Indian dentist, you have to take 50 examinations to practice in 50 States.

Now, there is not much we can do because as one Indian doctor in a community of 50 American doctors, it is very difficult for us to fight. It is very difficult for us to raise voices. There is a limited amount of money that we can spend on legal defense. Besides, the most important thing is that the laws in the civil court are not on our side.

To put it blankly, the legal system, when you go through the peer review system, you have to kill 10 of us for 1 of the whites.

I am here to beg you to do something for us, from the legal standpoint. One suggestion that I have, it's during the peer review process, make the reviewer get an outside opinion about that particular person. And make that outside opinion an important

part of the decisionmaking process. It's a very difficult suggestion. There's going to be a tremendous amount of resistance to this suggestion, but if you could do this, you will find that we, the Indians, can do just about the same job that an American can do, at least as good, and eventually America as a nation will prosper more because we have better opportunities.

CHAIR BUCKLEY. Thank you very much. Mr. David Chen?

### **Economic Opportunities for Asian Professionals Statement of David Chen**

MR. CHEN. Honorable Commissioners, fellow participants, my name is David Chen. I am executive vice president of an advertising agency in Los Angeles, specializing in ethnic advertising and marketing.

I am here today to share some views with regard to economic opportunity for Asian professionals. As a businessman who came to America 10 years ago from Taiwan, I have an acute understanding of the tremendous commitment it takes for any business professional to establish a company and make it profitable. Much too often, however, this task, when tried by people of emerging ethnic groups, is all too difficult and restricted because of bias, discrimination, and flagrant racism.

I myself have experienced moments when I questioned whether this nation's founding principle of equal opportunity for all was being practiced as fully as it should. Business difficulties of minority entrepreneurs, of course, are not always caused by a violation of civil rights. Quite the contrary. Starting a business and making it work can be tough for any American. As one of my partners used to say, the Constitution also protects the right of all Americans to fail in business.

However, what I wish to speak to is a growing concern for me and other ethnic business professionals in regards to selective criteria of affirmative action programs. It is my opinion that the government needs to continue to take positive action to ensure all minorities a better than average chance to start and grow a business. However, I must strongly protest when these same programs are being used to restrict the group of the very business it was designed to help.

Here is an example of my concern. Some corporations, in a zeal to make contracts available to minorities, evolve restrictions for participation on contracts. For example, one company might develop contract criterion that states, in order to bid on the contract, the bidding firm must have 51 percent Hispanic owner-

ship. This rule, in their minds, will resolve that a specific minority firm will receive the contract. However, what seems to be forgotten in the thinking is that a firm may exist with excellent credentials and the right business of experiences, and yet their corporate structure includes other minorities. So if this firm's Hispanic ownership is below the 51 percent level, no matter how good they are, they are excluded from the competition just like that.

This kind of racial restriction is, in my opinion discriminatory. It penalizes the minority who is a minority owner in a company. I refer to this kind of discrimination as double reverse discrimination. And the Asian that participates in a minority-owned company should not have to pick his or her owners by the color of their skin.

I would like to think that the roles of multiethnic companies, where Asians, blacks, Hispanics, and other minority groups are in partnership together, represents the fulfillment of the real promise of affirmative action.

This is not always the case. I feel work needs to be done with misguided corporations so they can understand—so they understand true minority procurement standards should not restrict complete competition among specific minority groups. They should eliminate any language in their purchasing requirements that penalizes any minority group under any circumstance. They should also correct any situation where this type of rights violations may have occurred.

It is only through widening procurement standards to enhance the opportunities of all disadvantaged minorities that real economic opportunities will be realized. When a system begins to turn on the very people it is meant to promote, something is wrong. That system needs to correct itself and continue the mission it has—it was created to accomplish: equal opportunity for all.

CHAIR BUCKLEY. Thank you very much. Now, Ms. Virginia Barrientos, please?

### **Filipinos in City Service Statement of Virginia Barrientos**

MS. BARRIENTOS. Good afternoon, honored members of the Commission.

My name is Virginia Barrientos. I have worked with the city of Los Angeles for 15 years, 14 years with the Los Angeles Police Department, and almost a year now in the Department of General Services. I am here today representing the Los Angeles Filipino Association of City Employees, with 300 members. Our association was organized 6 years ago, and has undertaken worldwide activi-

ties, and has been recognized as the advocate of Filipinos employed in the city of Los Angeles. It has served the best interest of fellow Filipino employees through affirmative action and voting, educational seminars, scholarship awards, and civic and social affairs which promote professional advancement, fellowship, and enhancement of Filipino image in the country.

The topic for the presentation is Filipinos in service with the city of Los Angeles. As of December 31, 1988, there were 1,362 Filipino employees working in the city of Los Angeles. According to the statistics compiled by the human resources and benefits division of personnel department, city of Los Angeles, the Filipino segment represents 2.64 percent of the total city work force of 43,827. The Filipinos are still remarkably underrepresented in city employment from the standpoint of population ratio, as according to the 1980 census, the Filipinos constitute 7.8 percent of the total population of the city of Los Angeles.

Within the city employment, only 12 Filipinos belong to the classification of official administrators, compared with 411 Caucasians, 48 blacks, and 41 Hispanics.

This is the area to which Filipino employees should focus their attention and endeavor, including the invocation of affirmative action if necessary, in order to enhance the representation in this upper echelon. They actually have no Filipino bureau director or department manager in the civil service.

It is noteworthy that Filipinos enjoy a considerable representation in the professional class, mostly accountants, auditors, engineers, architects, and physicians. With a total of 3,612 employees, or 4.98 percent of the total city work force, most accounting divisions or bureaus of the city have a preponderance of Filipino accountants, auditors, and accountant clerks. In relation to the total city work force, the Filipinos are more represented in categories of office clerical workers, professionals and technicians. They are less represented in service maintenance, protective services, and officials/administrators categories.

CHAIR BUCKLEY. Thank you. We now will hear from Mr. George Kita.

**Los Angeles Police Department Asian Chief?  
Not in the near Future  
Statement of George Kita**

MR. KITA. Good afternoon, ladies and gentlemen, and members of the United States Civil Rights Commission. My name is George Kita. I am a member of the Asian-Pacific Law Students Association

at Hastings Law School in San Francisco. I'm here to inform you of the struggles that Asians have been facing in pursuing promotions, and the underrepresentation of Asians in the Los Angeles Police Department.

I first got interested in this subject about a year and a half ago, as an undergraduate in the department of criminal justice at Cal State University, Los Angeles. Today, I talk to you about why there will never be an Asian LAPD chief in this decade.

Firstly, I would like to give you a little background on LAPD's history of discrimination. Prior to 1973, the Los Angeles Police Department for years had maintained separate job classifications of policemen and policewomen. Women were assigned only to desk jobs and jobs involving women and children, because the department felt that it was a man's job to be out there making arrests. In 1973 the distinction was eliminated, but at the same time, the LAPD now required a height requirement of 5 feet 7 inches, as well as a vigorous physical agility test.

In a suit brought by a woman police sergeant in the case of *Blake versus City of Los Angeles*, Blake claimed that she was the victim of sexual discrimination, alleging that she should have been promoted to lieutenant. She also argued that the new height and agility requirements were a form of sexual discrimination. The U.S. District Court, in 1973, scoffed at the idea of sexual discrimination. However, in 1979 the U.S. Ninth Circuit Court of Appeals ruled the trial court erred in dismissing the suit. Hispanics filed a separate suit because they felt that they were also a victim of discrimination.

In 1980 the Los Angeles Police Department entered into a voluntary consent decree with the parties, and affirmative action type of hiring of women, Hispanics, and blacks. However, Asians do not benefit from this consent decree because Asians were not included in this suit.

Now, as we look at chart one, we can observe the percentage of minority makeup between 1980 and 1989. Hispanics went from 10.7 percent to 19.4 percent. Blacks went from 6.7 percent to 12.7 percent. Women went from 2.6 percent to 11.4 percent, and look at Asians. Asians represent Chinese, Japanese, Korean, and a few other ethnic groups under one umbrella. And yet, we only went from 1.1 percent in 1980 to 2.1 percent in 1989.

We have more than 976,000 Asians in the Los Angeles County. We constitute 11.6 percent of the Los Angeles County. We have more than 300,000 Asians in the city of Los Angeles.

Now, let's take a look at chart 2. In 1980, those were the Asians who had administrative jobs. As you note, we had 2 lieutenants, 1 sergeant, and 11 detectives. The reason why I included detectives in this report is because I am told that in promotion that a detective is pretty much equivalent to the rank of sergeant.

In terms of our makeup in 1980, we had 76 total police officers out of 6,752 in the total force. Again, we were underrepresented at that time. As you notice, the highest ranking at that time was a lieutenant. There are no Asian captains at that time. There were no Asian captains, no commanders, no deputy chiefs, and of course, no chief.

Now, let's look at chart number 3. And this is for June 1989. Believe it or not, to this day no Asian has gone past the rank of lieutenant. We have not made any progress. We are actually in a worse position than in 1980, because today, we still have only 2 Asian lieutenants despite the fact that 9 years has passed, and we now have doubled the amount of total Asians to 163.

On the other hand, there is one woman captain, four black captains, three Hispanic captains, two black commanders, one Hispanic commander, and one black deputy chief. Everybody is getting a piece of the pie. We're just getting crumbs.

See what happens when we don't speak out? We should have been a part of one of those suits in 1980. How can we as Asians ever get chief spot when we can't even get promoted beyond lieutenant? LAPD claims they hope to have 7 percent Asian officers by the year 2000. If they have only doubled from 1 to 2 percent in 9 years, then in the year 2000, at the rate we are going, we're only going to get about 3 to 4 percent Asian.

I am told that the consent decree needs to be amended. I am told that this can only be done by getting all the parties together from the original suit and voluntarily agreeing to let Asians be part of the consent decree. Another option is to file a separate suit. Our Asian friends in the Los Angeles Police Department would appreciate all the support we can give them. We need an attorney willing to take the case. Can we do it? We have to, or 10 years from now, we will find that the highest ranking Asians are still the two Asian lieutenants.

CHAIR BUCKLEY. Thank you very much. Commissioner Destro?

COMMISSIONER DESTRO. These figures are very intriguing. My father was a policeman, and I was looking forward to hearing the testimony.



There are actually two questions. One leads into the other. How are the promotions done in the LAPD? Is it purely by civil service exam?

MR. KITA. Yes. One has a civil service exam.

COMMISSIONER DESTRO. Okay. And do you have statistics on how the different ethnic groups do?

MR. KITA. I don't have that information. I hate to say this, but it was very difficult getting information from the department. But I can guarantee you that we will press to get more information so that we can really show a convincing case.

COMMISSIONER DESTRO. The reason I'm leading into the questions that I am is that once you attain a certain rank score, and this goes to Mr. Wong's question about subjectivity. And test scores are generally considered objective measures. Whether they are or whether they're not is another question. To what extent, once you achieve a certain test score, are you then automatically promoted, or do you just fall into a pool where they can select based on certain characteristics?

MR. KITA. Well, first of all, the hiring in terms of promotions, a lot of minority groups make recommendations to the department. And the department has their own idea of how they're going to promote a lot of these minorities. Because Asians were not included in that suit, as I mentioned before, the push for promotions is for women, black, and Hispanic. So what happens is, let me give you a hypothetical. Suppose you might have a person, an Asian taking a written exam. He scores maybe 93. What will most likely happen is if another minority group member has the same score, or lower, the preference is going to be to that particular minority group because the department feels that they're obligated to push for women, blacks, and Hispanics, as opposed to Asians.

And as a result, the department has only made up their own recommendation of what they feel is right in terms of Asians in the department. They come up with their 7 percent. That is their figure. As a result, you have a minority group that was well underrepresented in 1980, to this day, having to compete for certain spots, basically against white candidates.

COMMISSIONER DESTRO. The question that I think that everybody has raised in one way or another is, what kind of qualifications does it take to do the job? I mean, you've raised it, with respect to kind of the unreasonable barriers. One of the prior speakers raised it with respect to why not let teachers who taught in the old country teach here. You raised it with respect to the glass ceiling and the

inability of people to define what it is precisely that they're looking for.

I mean, to my mind, the only quarrel I have with anything that anybody said on the panel today is Mr. Chen's use of the term double reverse discrimination. And the reason for that is that to me, it's just all discrimination, no matter how you slice it. And unfortunately, some of the testimony, yours and Mr. Kita's especially have said that basically the way the law is operated, is you're pitting minority groups who ought to be working together against each other.

CHAIR BUCKLEY. Dr. Duleep?

DR. DULEEP. I just had one question. Mr. Wong, you spoke very convincingly about the discrimination that you've experienced, and it certainly coincides with the statistical evidence that we have so far.

I was just wondering if you could speak a little about what you think would be the best policies to combat the glass ceiling. Is it affirmative action, or is it educating people so that they know more about their rights and would be more likely to go to the EEOC? Or is it working with the firms? What sort of suggestions do you have with respect to your own personal experience?

MR. WONG. I personally feel that we really have to start from the top. Most of the time, most of the companies have all these fancy bulletins. And when you get down, the personnel people have the policies, posted on the bulletin board. It comes out once a year: Thou shalt not discriminate. But when you filter down to the lower managers, then it becomes a totally different matter.

I think it's an education process, that you have to start from the top, the very top of the company, that you don't have to be a part of the old boys' network in order to make it in the company. I think it's a educational process. Another thing in the education process is the stereotyping of Asians or any other minorities, in television, on news media, that all Asians are not the same, or all minorities are not the same. I was listening to the car radio the other day, and Best Western had an ad on. It was making fun of a guy trying to check into a motel room, and he has a very funny accent. It's stereotyping again.

So I think it's going to come from all parts of the corporate world, the news media, and the education process, and it's just not going to be one single factor going to change things in the next 2 years or 5 years.

But the most important thing is, I think we have to bring it out in the open and discuss it, like here, or in the news media, that we

are all aware that there's a problem, and that people in the corporate America know there is a problem.

They cannot just think that somebody who doesn't speak out, or somebody who is quiet, is not a manager. As an example, Bill Walsh is probably one of the best football coaches in the world. And if you compare him to the coach over in Chicago, the guy who waves and jumps up and down on the sidelines. Now, who is more successful? I would think Bill Walsh is the better coach. I mean, I hope nobody's from Chicago here, but it's a style. It's the different styles. And just because one style doesn't exactly fit in the mold doesn't mean that the other person is not effective.

So I think that, you know, the corporate America has to learn that different styles of management are just as appropriate, as long as you bring in the bottom line.

COMMISSIONER DESTRO. Let me just followup on that. I just went through a hand-holding at some length with my sister-in-law who found much to her chagrin that she faced the glass ceiling. With respect to her experience, we began to question whether or not, as a business matter, it's possible to quantify in some way some of these subjective factors. And the superior court just recently made it clear that you can challenge the use of subjective factors.

It strikes me, certainly with respect to the things that I do—I teach in my full-time job—if I were really pressed concerning a grade that I gave to somebody, I could pretty much explain why you got this one as opposed to that one. Now, you may be a couple of points off, you know, five points, maybe, to one side or the other. But certainly, you can really tell the difference between the good ones and the bad ones.

And I'm wondering, in your experience, one of the things you said was he couldn't really tell you why. It was just like, I have this gut feeling. Did you challenge that? Did you sue the company, or file charges, or did you just do what my sister-in-law did, and try and get a job somewhere else?

MR. WONG. Well, I went to the Department of Fair Employment and Housing. And it's still there right now. It's a long process. And that's our first step. The second step, if we cannot get this resolved, then we go to court. Again, what I've been doing here is I want to contradict that Asians are submissive, that they can do anything and they tell you to go fly a kite and you go and fly a kite. And I'm not going to do that, and I'm going to speak out. And that's why I'm here, and I'm challenging it.

COMMISSIONER DESTRO. Well, the reason I asked the question, though, is do you think that as a manager with the experience that you had, that if you were forced to explain to somebody why you did not pick them, as opposed to why you picked somebody else. Because a lot of times, between two qualified people you do pick on your gut, between two qualified people. But you can pretty well usually say, you know, for the ones who you clearly wouldn't want to have, you can pretty much usually say, at least in my own experience, why you don't want to have certain people.

Do you think that you could do that in your business? I mean, would you, if you were the manager, could you say to somebody, here's why I did not pick you, and I picked somebody else?

MR. WONG. Oh, yes. I think you could. You can give specific reasons why you're not promoted or why you are promoted. And it's not just one simple answer to that. It's—the whole thing is cumulative. It's, the image and the name-calling preceding the demotion. Now, if all of a sudden my performance is down and my boss comes to me and says, "Hey, Paul, you're not doing a very good job, here's a warning. Now, these are objectives. If you don't do it within 6 months, you'll be demoted." Fair. If I can't accomplish those objectives fair and square, I should be taken a step down or do whatever I'm supposed to do.

But without warnings, without any type of indications, when name callings, when talk about image, even 6 months to a year prior to your demotion, the whole thing is all premeditated, cumulative; it's planned. And when the times comes, they just say, "Hey, we want you to take a step down, and I don't want you to be a manager." If anything was specific, they would tell you. I mean, they're not going to create a situation for themselves and tell you, it's subjective. It's gut feeling.

COMMISSIONER DESTRO. I understand. Okay. Thank you.

CHAIR BUCKLEY. We've picked up on time, and we're pretty much ahead of the schedule right now. At this time, I would like to thank all of those individuals that have been with us all day long, and I really appreciate the fact that you have been with us.

We have one more part to our program today, and that's the open session. And we do have two individuals that have asked to speak for that part, but I'll give you about 5 minutes so that if there's anybody else in the audience that wishes to speak, they may sign up with our staff upstairs at the desk, right outside the doors. And we will give you 5 minutes to speak, and we will ask that you follow our defame and degrade policy as we set out this morning.

So I give you 5 minutes for anybody else that wishes to speak, and then in that time, if I can have Bill Tamayo come down to this table so we can get ready for the open session.

## Session V: Open Session

CHAIR BUCKLEY. Okay. We are now at the open session of the Asian Civil Rights forum here in San Francisco. We have two individuals who have asked to speak.

The rules for the open session are a little bit different. We give you 5 minutes to speak. We ask that you give us your name, the organization that you represent if you're representing an organization, and your address. And then that when you speak, to abstain from defaming or degrading any individuals, as such. And we'll proceed from there.

MR. TAMAYO. Thank you, members of the Commission. My name is William Tamayo. I'm the managing attorney of the Asian Law Caucus. The Asian Law Caucus is an organization formed in 1972 to provide services to the Bay Area Asian community in the areas of housing, labor, and immigration.

Back in 1980 this Commission published a report called, *The Tarnished Golden Door*, a review of the immigration policies and practices over the last few years. I would recommend that that be updated, because there's a whole history at least over the 10 years that shows that there has been an increase of violence by immigration officers, now through the assistance of local police officers, against immigrants.

Commonly, the issue of immigration raids has been restricted to the Latino community. But it's becoming quite an issue now for the Asian community. It's also colored by the fact that immigration raids are now being carried out with the assistance of local and State police officers, in contradiction of State and Federal law.

In May of 1989, several businesses in Japantown here in San Francisco were raided by the Immigration Service. There were no warrants. There was no probable cause to raid these places, and there are no emergent circumstances which allowed the INS to raid these places without a warrant.

The INS conducted this raid with the assistance from police from San Francisco Police Department, and agents from the alcoholic beverage and control department of the State of California. The agency contends that they were brought into the raid because there was supposedly bar girl activity or prostitution going on in the club. However, no arrests or charges were made on this basis, but 15 people were arrested for alleged immigration violations, and their cases are pending.

Last Saturday, the Immigration Service, along with agents from the police department and the State ABC again, conducted a major

raid. ABC contended they were brought in because there were charges that minors were participating—or attending a party in a nightclub restricted for adults only. What was supposed to be a check on minors was essentially a pretext for a large immigration raid, in which over 100 people were detained for 2 hours—these were citizens and noncitizens—under the authority of the Immigration and Naturalization Service. Essentially, local police and State officers were detaining and transporting people for the INS.

This is far beyond the statutory authority, of the local police and the ABC, and it's clearly in violation of a Federal Court of Appeals decision, *Gonzales versus City of Peoria*, which clearly states that local police have no authority whatsoever to carry out the immigration laws of the United States, particularly those dealing with being here unlawfully or having overstayed a visa.

In 1984 the California attorney general issued an opinion clearly stating that local police have no authority whatsoever to implement the immigration laws, and in 1978 Attorney General Griffin Bell also clarified that local police have no authority to enforce the immigration laws.

But what has happened in this post-IRCA Immigration Reform and Control Act era is the local police joining with the INS, and the INS using the local police more or less as a reason to be able to join in these public raids, because the INS doesn't bother to get a warrant, or doesn't have enough basis to get a warrant, but it claims that they were invited to do these raids by local police. Local police have no authority whatsoever to enforce the immigration laws.

My recommendations are as follows. I think the Commission has to restate its policy to defend the rights of all people against these unwarranted raids and seizures, and clarify that local police have no authority, whatsoever to assist the Immigration and Naturalization Service in detaining, transporting, or arresting people for immigration violations.

We raised the issue about the census today. As long as there are raids in immigrant communities, you will never have the full participation of the Latino and Asian community in the census.

There is a resolution in the State legislature right now which basically asks the United States Attorney General to direct the INS not to conduct any raids during the census. Our sense is that when the raids are conducted, people will be very reluctant to participate in any kind of census, or to report to authorities.

Finally, you need to clarify that these raids are unconstitutional. When there are no warrants, when there is no probable cause for the INS to seize 100 people and to go around asking everybody what their immigration status is, that's a clear violation, and the Commission has to come on board and restate that, and we hope that they would update their report on the practices of the INS.

CHAIR BUCKLEY. Thank you very much. Mr. Roger Chin?

Again, state your name and if you're representing an organization.

### **Statement of Roger Chin**

MR. CHIN. Members of the Commission on Civil Rights, my name is Roger Chin.

Believe it or not, I am an American of Chinese ancestry, a fourth generation genuine Californian American. I do not represent any organization, but perhaps typify the so-called silent American majority. In other words, you don't get involved.

I have been called many things, and every Asian nationality from Japanese, Korean, Filipino, et cetera, and yes, even black. But seldom American. Even my Caucasian friends and coworkers regard me, or introduce me as Chinese. They do not introduce one another as Swedish Americans, Irish Americans, or so on. Although they may only be first or second generation immigrants, they are Americans. But we are Chinese, Asian, Orientals, or whatever.

At this point, I would like to speak for some of my typical friends and relatives. We have served our country in the armed services of the United States. We have competed for schooling and jobs and promotions like everyone else. At least we thought we did. But the truth of the matter is, we are considered as Chinese, and not Americans.

Statistics show that immigrant Chinese outnumber the native-born American Chinese 10 to 1. Yet there is no distinction or separation made, and we, American Chinese, are all lumped together as one nationality or race. Even though we consider ourselves differing in societal and cultural backgrounds, but being of the same race and color.

One reason maybe why we are considered for managerial positions, but never get the actual position, is cultural. That is being American and being Chinese. We are not articulate, verbose, assertive, and loquacious enough during our oral interviews. We may pass written examinations, but oral examinations just cause us a mental block, or natural aversion. At least for me it does.

At one time I wanted to serve my country in a different capacity, and also assist Asians. So I applied for the minority mid-level



foreign service officer with the State Department. I passed the initial phase of the evaluation process by submitting written documents of some of my reports and work I have accomplished. The second phase before being considered for an appointment was an oral interview. Needless to say, I didn't get the job.

The same results in applying for administrative or managerial positions. I take it as my own shortcoming, but perhaps it's not entirely, and it could not be—not entirely.

CHAIR BUCKLEY. Thank you very much.

### **Statement of Harold Yee**

MR. YEE. My name is Harold Yee.

You've heard statements made that Asians are a convenient minority, I guess, down in Houston, Texas.

Let me use four examples, and hopefully you will investigate it. The minority business program. Asians have been just about totally excluded. Out of 83 contracts issued by MBDA, the Minority Business Administration in the Department of Commerce, not one has gone to Asians. And since MBDA is the gate holder for these services, Asians then are denied services whether it's Department of Defense (DOD), import-export, National Science Foundation, the Office of Small and Disadvantaged Business—I could go on and on and on.

It is not, however, my argument, as one of the staff persons in one of the congressional offices suggested, that we should do away with all minority programs. I suggest that that is not a solution to the problem. The problem is still there.

The solution obviously is to include Asians, and not to deny blacks or Hispanics their fair share of their fair place in society, just because some other group is not getting their share. So let me be sure that that's not my argument. Relative deprivation, however, in this particular society, requires a recognition of their exclusion. And I think the Civil Rights Commission can certainly focus in on that relative exclusion and bring the Asians into those programs.

At the same time, as I say, I think one good thing came out of *Crosson versus Richmond*. It is the use of some sort of notion of fair share. That is, contracts, in this particular case, procurement contract dollars, should be targeted in relationship to the share of the firms in the market. And that should they reach one, one set, they reach parity. I think that is in keeping with the American dream, that as long as a class is denied, they become a protected class, and they are helped.

However, once we reach parity, the individuals should compete on their individual merit, and that's all we ask, is that we would not be continually identified with a group, as the case with the University of California at Berkeley, to continue to be excluded now in this particular case, as part of a quota. And which we continue to be evaluated and identified as a member of a group rather than treated on the content or the merit of the individual.

As long as these parity measures, however, become dynamic in the sense that they are adjusted as the share of the participants increases in time, I see then not the fear that any particular numerical goal becomes a written quota; it becomes that through time. So as long as we admit the dynamic adjustment in relationship to participation of the share of the market, and also in terms of the numbers, it will be adjusted through time, but take care of that dynamic considerations that are required.

Another area of concern is a continued absence which makes Asian Americans invisible to the public. And that I think results in some of the problems that Mr. Chen has talked about, or Henry Der in the earlier session, in which Asian Americans are not included in the bargaining of the protected classes, while they are participating at less than parity. What am I talking about in this particular case? The socioeconomic reports out of the Census Bureau. I'm talking about the current population reports. Asian Americans are not included in any reports on unemployment, on the status of poverty, or anything else, in between the 10-year census.

I suggest that that makes us invisible characters. And as such, we are deprived in relationship to any other population. And while it's true that the white population wants to know their status regardless of what variable we're talking about, in order to direct attention to these problems, and it is true that blacks should be focused, or Hispanics, or teenagers, I submit Asian Americans are becoming numerous enough to be included, so that our pathological problems will also be identified, and then attention can be directed to them.

The third area has to do with craft unions. The craft unions in the construction trades continue to discriminate like you can't believe. And the Federal Government is not focusing on the last visage of discrimination within labor. This particular claim of the unions is protected by various laws, including prevailing wages.

I submit that of all the unions in this area that discriminate, this particular industry is the last remaining industry that discriminates with a vengeance, and arrogantly so. I urge that the Civil Rights Commission, perhaps through incorporation of EEOC, to

focus in on the craft unions. You need not look at two of them. The laborers and cement masons. You know, the dirty industries. We have many Hispanics or blacks in those. But when you take the plumbers, the operating engineers, the electricians, I daresay that for a city like San Francisco, that currently has 55 percent of its citizens as minorities, you will not find in the journeymen trades numbers even approaching one-fourth of that number.

Typically they will tell you, the craft guilds, 52 percent of the apprentices are minority. Indeed. But those minorities cannot find sponsors. And they can't feed their family as long as they're not working. So they drop off left and right.

In comparison of the rate of 52 percent apprentices, in relation to the journeyman status, that is where the Federal Government in collusion with the craft guilds is focusing on a gimmick called apprentices, to which minorities do not graduate into journeymen. And they drop off like fleas. But we continue to protect craft guilds as though it's holy.

The last issue is the reapportionment. It takes no genius to look at the Richmond district of San Francisco. Heavily Asian, made part of the high income and white collar Marin County. For what purpose? So that the Democrats can maximize their representation in relationship to the Republicans. I happen to be a registered Democrat. But before I am a member of any lousy party, I am first and foremost an ethnic person in this particular community, and it's ethnicity that we discriminate, and not on the basis of party.

To the extent the Democrats have an interest, to the extent the Republicans have an interest, and the Republicans maximize their representation in Indiana, and the Democrats try to maximize their representation in California, I submit that there are more important representations other than just merely two party. And to deny Asian Americans of representation here in San Francisco on the basis of some other convenience, is to deny us our civil rights.

I urge that the Civil Rights Commission make a study of how reapportionment is affecting minorities.

CHAIR BUCKLEY. All right. This concludes our roundtable discussions on Asian civil rights issues. On behalf of Commissioner Sherwin Chan, I would like to thank all of you that have participated.