

06/10/96

Asian Pacific Americans In Montgomery County

A Report
of
The Maryland Advisory Committee to the
Commission on Civil Rights

Revision Date Monday, June 10, 1996

A report of the Maryland Advisory Committee to the U.S. Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission and the Commission will make public its reactions. The findings and recommendations of this report should not be attributed to the Commission but only to the Maryland Advisory Committee.

06/10/96

LETTER OF TRANSMITTAL

Maryland Advisory Committee to the
U.S. Commission on Civil Rights

Members of the Commission
Mary Frances Berry, Chairperson
Cruz Reynoso, Vice Chairperson
Carl A. Anderson
Robert P. George
A. Leon Higginbotham, Jr.
Constance Horner
Yvonne Y. Lee
Russell G. Redenbaugh

Mary K. Mathews, *Staff Director*

The following report, *Asian Pacific Americans In Montgomery County*, is a part of the Maryland Advisory Committee to the U.S. Commission on Civil Rights' continuing effort to monitor civil rights issues facing Asian Pacific Americans in Maryland.

Our report is the result of factfinding in August 1992 and recent supplemental information that is also part of the report. You will see that civil rights issues for Asian Pacific American are often subtle and obscured by concerns for more numerous protected groups. We are grateful to the Commissioners for your report, *Civil Rights Issues Facing Asian Americans in the 1990s*, that has helped us on the state and local levels to focus attention on Asian Pacific American civil rights issues.

A thorough-going investigation is necessary to develop meaningful strategies and effective plans for addressing the issues that we have identified. In our advice to you we suggest further steps toward that goal and leave specific recommendations for others to develop. No recommendations will resolve the problems, however unless public and private resources are aligned to deliver assistance where it is needed in the Asian Pacific American community. We trust that our views will stimulate independent voluntary efforts by Montgomery County government, leading private employers, and the people of Maryland to take action.

The Maryland Advisory Committee has adopted this report for your consideration by a unanimous vote of 13 to 0.

Respectfully,

Dr. Chester Wickwire, *Chairperson*
Maryland Advisory Committee

06/10/96

**Maryland Advisory Committee to
the U.S. Commission on Civil Rights**

Dr. Chester L. Wickwire,
Chairperson
Towson

Dr. Leonard P. Aries
Silver Spring

Dr. Patsy Baker Blackshear
Annapolis

Dr. Eva T.H. Brann
Annapolis

Mr. Timothy J. French
Bethesda

Ms. Lorretta Johnson
Baltimore

Mrs. Mary Louise Jones
Cumberland

Dr. Joshua Muravchik
Wheaton

Mr. Arthur Nierenberg
Randallstown

Mr. K. Patrick Okura
Bethesda

Dr. Hamid R. Seyedin
Bethesda

Dr. Huong-Mai Tran
Potomac

Dr. H. DeWayne Whittington
Marion

Contents

I. INTRODUCTION	5
A. WHY THIS PROJECT?.....	5
B. WHY MONTGOMERY COUNTY?.....	6
C. THE DATA.....	6
D. THE ISSUES.....	7
II. STATISTICAL PROFILE	8
A. MONTGOMERY COUNTY POPULATION.....	9
B. ASIAN PACIFIC AMERICANS AGE DISTRIBUTION.....	9
C. MEDIAN AGES.....	9
D. ASIAN PACIFIC AMERICANS ETHNIC DIVERSITY.....	10
E. EDUCATIONAL ATTAINMENT.....	12
F. LANGUAGES.....	12
G. HOUSING CHARACTERISTICS.....	13
H. HOUSEHOLDS.....	14
I. HOUSING TENURE.....	14
J. INCOME DISTRIBUTION.....	15
III. REASONS FOR THE FACTFINDING	16
IV. THE SOURCES	18
V. THE ASIAN PACIFIC AMERICANS PERSPECTIVE	19
A. ORIGIN OF THE MODEL MINORITY MYTH.....	19
B. TOWARD A CIVIL RIGHTS AGENDA.....	21
VI. ASIAN PACIFIC AMERICANS PROBLEMS IN MONTGOMERY COUNTY	23
A. NUMBER OF COMPLAINTS FILED DO NOT REFLECT THE FULL EXTENT OF PROBLEMS.....	23
B. THE BIAS HAS HISTORICAL AND CONTEMPORARY ROOTS.....	24
C. ASIAN PACIFIC AMERICANS IN POLITICS.....	28
D. ASIAN PACIFIC AMERICAN WOMEN.....	29
E. A PERSONAL ACCOUNT OF HURT.....	32
VII. SIGNS OF A GLASS CEILING?	34
A. A GREATER SHARE IN MONTGOMERY COUNTY FOR ASIAN PACIFIC AMERICANS.....	34
B. HOUSEHOLDS HEADED BY IMMIGRANTS ARE PROBABLY INCREASING.....	34
C. PROFESSIONAL CERTIFICATION—HUMAN CAPITAL LOST?.....	37
D. LANGUAGE AND CULTURAL DIFFERENCE? A BARRIER OR BIAS?.....	38
E. WHAT IS A GLASS CEILING?.....	40
F. GLASS CEILING IN MONTGOMERY COUNTY GOVERNMENT.....	41
G. FEW PRIVATE EMPLOYERS HAVE GLASS CEILING INITIATIVES.....	48
H. TOP MONTGOMERY COUNTY PRIVATE EMPLOYERS (AUGUST 1995).....	48
I. THE EXAMPLE OF VITRO CORP.....	50
J. THE LEGACY OF THE FEDERAL GLASS CEILING COMMISSION.....	52
VIII. AGENCIES OUTREACH AND LIAISON—WHAT WORKS?	54
A. THE MONTGOMERY COUNTY HUMAN RELATIONS COMMISSION AT WORK.....	54
B. COMMUNITY OUTREACH BY MONTGOMERY COUNTY POLICE CHIEF.....	55
C. MONTGOMERY COUNTY PUBLIC SCHOOLS—WORKING IN PARTNERSHIPS.....	57
IX. WHAT NOW?—OUR ADVICE TO THE COMMISSIONERS	60

A. CONCLUSIONS	60
B. ADVICE TO THE COMMISSIONERS	61
1. <i>County and State Offices Need To Expand Their Community Relations Efforts</i>	61
2. <i>Call for Annual Reports on Civil Rights</i>	61
3. <i>Response Needed on Domestic Violence</i>	62
4. <i>Government and Business Employers Need to Lead the Effort to Crack the Glass Ceiling</i>	62
5. <i>Study the Impact of Limited English Proficiency</i>	62
6. <i>State Action Needed to Raise Public Awareness</i>	62
X. APPENDICES	64
A. AFFILIATES OF THE ASIAN PACIFIC AMERICANS HERITAGE COUNCIL	64
B. BRIEF HISTORY	65

I. INTRODUCTION

A. WHY THIS PROJECT?

When the U.S. Commission on Civil Rights released, *Civil Rights Issues Facing Asian Americans in the 1990's*¹, then Chairperson, Arthur A. Fletcher², issued an appeal to readers,

The more than 40 recommendations in this report, although not a typical solution to the civil rights problems facing Asian Americans, prescribe actions that must be taken if progress is to be made. Central to the Commission's recommendations are specific legislative, programmatic and administrative efforts that the Federal, State and local governments, must undertake. The Commission looks to Congress and the President, in their crucial leadership roles in advancing civil rights, to move aggressively to adopt the Commission's recommendations and to encourage action by State and local governments and the private sector. (emphasis added)³

Picking up the Commissioners' call for a local thrust, the Maryland Advisory Committee to the Commission hoped to contribute to the agency's information gathering on the topic.⁴

¹ U.S. Commission on Civil Rights, *Civil Rights Issues Facing Asian Americans in the 1990's* (Feb. 1992) (hereafter cited as *Commissioners Report*).

² Mr. Fletcher's term of office expired in December 1995. Dr. Mary Frances Berry succeeded Fletcher and is current chairperson of the U.S. Commission on Civil Rights. See frontispiece, Letter of Transmittal for complete list of current commissioners.

³ *Commissioners Report*, Letter of Transmittal.

⁴ Earlier Commission reports on Asian Pacific Americans include:

- *The Economic Status of Americans of Asian Descent: An Exploratory Investigation*, Clearinghouse Publication 88, 1986
- *Success of Asian Americans: Fact or Fiction?*, 1980
- *The Tarnished Golden Door: Civil Rights Issues in Immigration*, September 1980
- *Civil rights Issues of Asian and Pacific Americans: Myths and Realities*, A consultation, May 8-9, 1979, Washington, DC
- *Civil Rights Digest*, [issue on Asian Americans] vol.9, no.1 (Fall 1976).

B. WHY MONTGOMERY COUNTY?

The Maryland Advisory Committee found that by selecting Montgomery County, instead of a statewide perspective, its project became more focused. Delimiting its scope to Montgomery County also highlighted several interesting points about the area:

- (1) population density for Asian Pacific Americans⁵ in Maryland is highest in Montgomery County
- (2) diversity among Asian Pacific Americans in the County is also high
- (3) substantial economic activity makes the County a magnet area for business development and employment opportunities.

In addition to these factors, two Maryland Advisory Committee members are part of Montgomery County's Asian Pacific Americans community and knowledgeable about developments.

C. THE DATA

The Maryland Advisory Committee conducted a factfinding project. As part of this effort, the members convened a factfinding meeting on August 12, 1992.⁶ The one-day session took place on the Rockville Campus of Montgomery College for the purpose of gathering information about civil rights problems facing Asian / Pacific Americans.

The conclusions of the Maryland Advisory Committee are at the end of this report, along with recommendations. The data and recommendations are specific to Montgomery County and we believe also serve to endorse the national level findings of the Commission's *Civil Rights Issues Facing Asian Americans in the 1990's*⁷, as mentioned above.

⁵The U.S. Census Bureau uses the term, Asian and Pacific Islanders, to identify the population group. In this report, we use the newer terms, Asian American and Asian Pacific American, that are currently in common usage. All the terms follow the Census Bureau's definition: A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa. Source: U.S. Department of Commerce, Bureau of the Census, *Race and Ethnic Standards for Federal Statistics and Administrative Reporting*, Directive No. 15, May 1978.

⁶This report is based on information gathered in 1992 and recent information covering the period since the Maryland Advisory Committee's initial factfinding.

⁷ Commissioners Report, see note 1.

D. THE ISSUES

This report profiles several specific issues as identified by knowledgeable Asian Pacific Americans in Montgomery County:

- Some signs of a glass ceiling, the subtle mechanism that retards individual advancement and produces clusters of Asian Pacific Americans in certain job categories, are a reality in Montgomery County government and top private employers. Only a few Asian Pacific Americans hold executive positions in Montgomery County Government and none is a department head. Despite its policy to the contrary, could discrimination against Asian Pacific Americans be a significant, if inadvertent, factor in the County's hiring and promotions?
- The difficult situation of some immigrant women, particularly their need for domestic protective services and financial assistance, is an increasing problem as more immigrant women come into their new community.
- Community policing and outreach need to keep pace with earlier modest successes. Better results should come from current efforts to recruit and retain Asian Pacific Americans as Montgomery County police officers.

The Maryland Advisory Committee found indications that civil rights problems facing Asian Pacific Americans in Montgomery County are persistent and in many ways reflect national and regional issues peculiar to all localities with significant populations of Asian Pacific Americans. The committee observes that current civil rights issues involving Asian Pacific Americans are on the cutting edge of developments in the field. Often burdened with the myth of the model minority, many thoughtful Asian Pacific American commentators believe as Howard University law professor Frank H. Wu, "The time has come to consider groups that are neither black nor white in the jurisprudence on race."⁸

⁸ Frank H. Wu, "Neither Black Nor White: Asian Americans And Affirmative Action," Boston College Third World Law Journal 15 (1995): 225.

II. STATISTICAL PROFILE

In the ten years between 1980 and 1990, according to the Maryland-National Capital Park and Planning Commission's Montgomery County Planning Department⁹, the size of the Asian Pacific Americans community in Montgomery County grew almost threefold. The County's Asian Pacific Americans population is the second largest in the Washington, D.C. metropolitan region, surpassed only by Fairfax County, Virginia. Almost half of Maryland's Asian Pacific Americans population resides in the County. As a group, the Asian Pacific Americans community is well educated and earns high incomes. A majority live in homes they own and in a family setting. The following charts and graphs are based on statistics from the 1990 U.S. Census of Population and Housing and provide a brief look at the County's Asian Pacific Americans community.

⁹ The Maryland-National Capital Park and Planning Commission is a bi-county agency created by the General Assembly of Maryland in 1927. The Commission's geographic authority covers most of Montgomery and Prince George's Counties.

06/10/96

A. MONTGOMERY COUNTY POPULATION

The Increases In Asian Pacific Americans Population Is Approaching Threefold

ASIAN PACIFIC AMERICANS POPULATION			
	Total	Asian	% of County Population
1980	579,053	22,790	3.9%
1990	757,027	61,981	8.2%
1994 (estimate)	795,600	76,378	9.6%

B. ASIAN PACIFIC AMERICANS AGE DISTRIBUTION

The Portion of Young Adults Among Asian Pacific Americans Is Relatively Small .

Age Distribution	Number	% of Asian Population
Under 5	4,799	7.7%
5-17	12,575	20.3%
18-24	6,084	9.8%
25-44	23,507	37.9%
45-64	11,840	19.1%
65+	3,176	5.1%

C. MEDIAN AGES

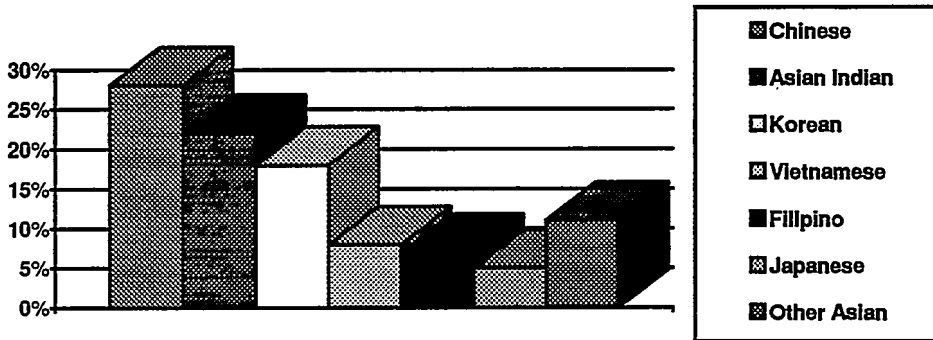
Age Distribution for Asian Pacific Americans Is Slightly Younger Than County and State Medians

Maryland Median Age	33.0
Montgomery County Median Age	33.9
Asian Median Age in Montgomery County	32.1

D. ASIAN PACIFIC AMERICANS ETHNIC DIVERSITY

Half of Asian Pacific Americans are Chinese American or Asian Indian

Montgomery County Asian Pacific American Population Is Diverse	
Chinese	28%
Asian Indian	22%
Korean	18%
Vietnamese	8%
Filipino	7%
Japanese	5%
Other Asian	11%



Cultural Heritage Varies Widely

Ethnic Identity	
Asia:	
China	17,517
Philippines	4,551
Japan	3,243
India	13,339
Korea	11,196
Vietnam	5,234
Cambodia	1,171
Laos	320
Thailand	1,303
Other Asian	3,780
Pacific Islands:	
<i>Polynesia:</i>	
Hawaii	125
Samoa	32
<i>Micronesia</i>	
Guam	91
Other	48

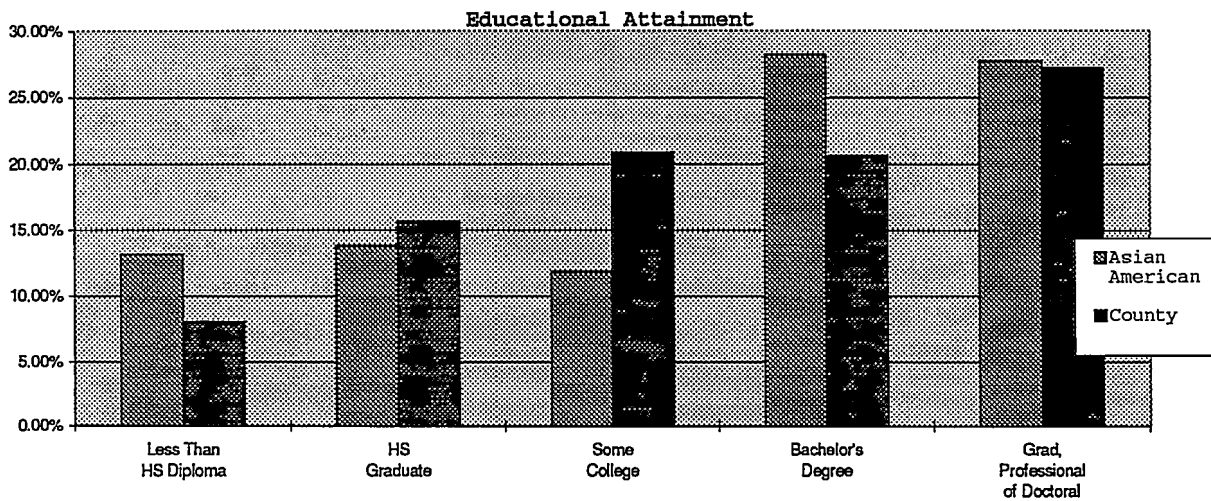
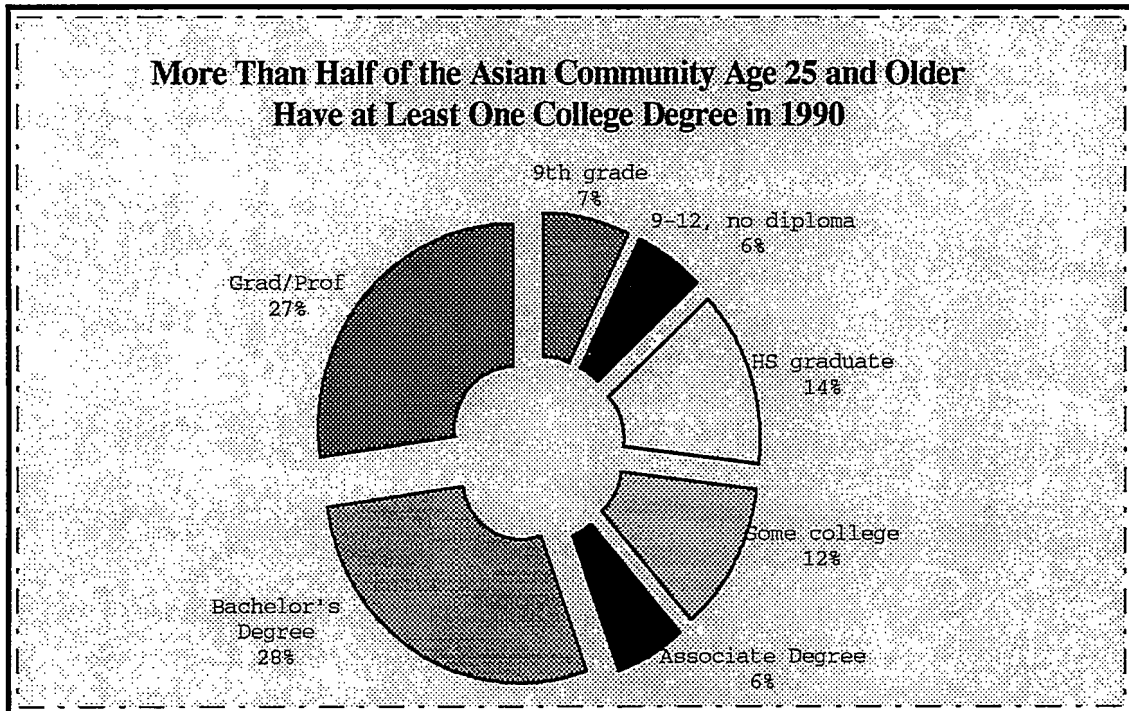
06/10/96

11

<i>Melanesia</i>	7
Other Pacific Island	24

E. EDUCATIONAL ATTAINMENT

Most Asian Pacific Americans Advance Into Higher Education



F. LANGUAGES

A Wide Majority of Asian Pacific American Families Speak Only English At Home

LANGUAGE SPOKEN AT HOME (PERSONS 5 YEARS AND OVER, COUNTYWIDE)

Speak only English	551,852	78.81%
Spanish or Spanish Creole	47,523	6.79%
Chinese	14,477	2.07%
French or French Creole	10,642	1.52%
Indic*	9,724	1.39%
Korean	9,196	1.31%
Other Indo-European languages	6,969	1.00%
German	5,335	0.76%
Greek	4,462	0.64%
Vietnamese	3,982	0.57%
Portuguese or Portuguese Creole	3,338	0.48%
Italian	3,244	0.46%
Arabic	2,936	0.42%
Tagalog	2,877	0.41%
Japanese	2,228	0.32%
Russian	1,741	0.25%
Mon-khmer	1,410	0.20%
Polish	1,330	0.17%
Yiddish	1,157	0.17%
Hungarian	805	0.11%
Scandinavian	797	0.11%
Other West German	768	0.11%
Other Slavic	531	0.08%
South Slavic	479	0.07%
Native North American	152	0.02%
Other & Unspecified	12,315	1.80%
Total	700,270	100.00%
*languages of the subcontinent of India		

SOURCE: MARYLAND-NATONAL PARK AND PLANNING COMMISSION, *POPULATION DIVERSITY*,
FEBRUARY 1993

G. HOUSING CHARACTERISTICS

The Size of Asian Pacific Americans Households Is
Thirty Percent Over Average

Households: Number and Size	
Number of County households	282,228
Number of Asian households	17,177
Average County household size	2.7
Average Asian household size	3.5

H. HOUSEHOLDS

The Portion of Asian Pacific Americans Living in Family-Type Households Is Twenty-two Percent Higher than Countywide

HOUSEHOLD TYPES	Number	Percent
Countywide:		
Family Households	198,232	70.2%
Married couple	162,833	
Male householder	8,820	
Female householder	26,579	
Nonfamily households	83,996	29.8%
Asian Origin		
Family Households	14,729	85.7%
Married couple	12,725	
Male householder	745	
Female householder	1,259	
Nonfamily households	2,448	14.3%

I. HOUSING TENURE

Homeownership Among Asian Pacific Americans Is Just Over the Countywide Rate by Three Percent

HOUSING CHARACTERISTICS BY TENURE		
Countywide:		
Owner occupied	191,749	67.5%
Average household size	2.8	
Average value*	\$242,237	
Renter occupied	90,479	32.1%
Average household size	2.3	
Average rent	\$725	
Asian Origin		
Owner occupied	11,936	69.5%
Average household size	3.6	
Average value*	\$238,363	
Renter occupied	5,241	30.5%
Average household size	3.0	
Average rent	\$727	
*Owner estimate		

J. INCOME DISTRIBUTION

Low Income Is Thirty Percent Higher Among Asian Pacific Americans Countywide. Their Median Income is Lower by Seventy Percent

INCOME

1989 Countywide Household Income

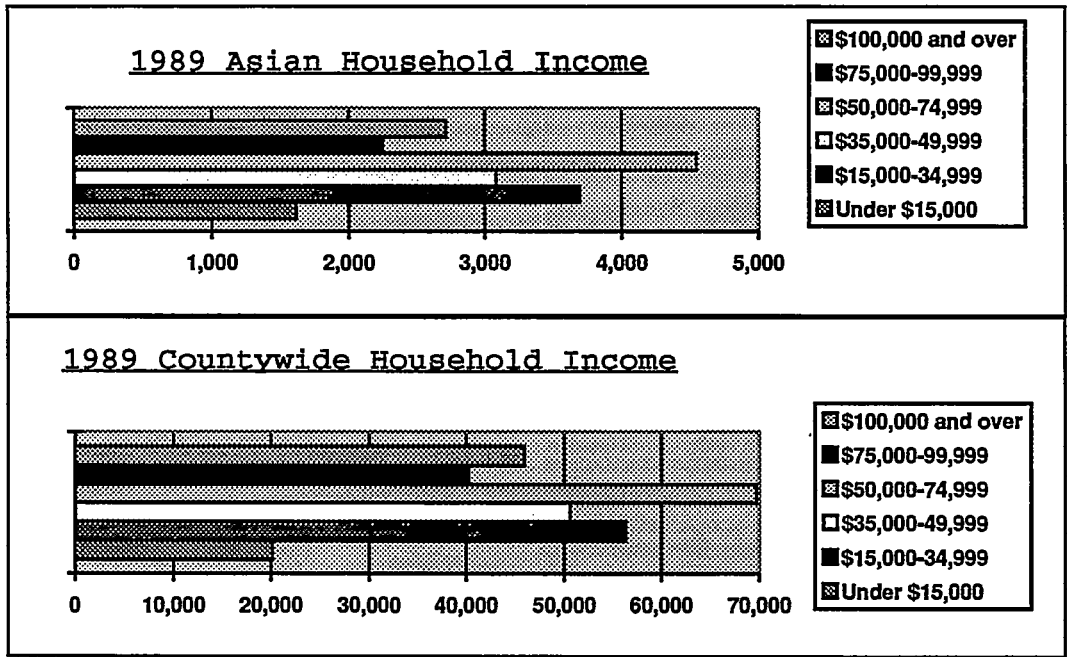
	<u>Number</u>	<u>Percent</u>
Under \$15,000	20,128	7.1%
\$15,000-34,999	56,300	19.9%
\$35,000-49,999	50,567	17.9%
\$50,000-74,999	69,729	24.6%
\$75,000-99,999	40,232	14.2%
\$100,000 and over	45,947	16.2%

1989 Median Household Income \$54,089

1989 Asian Household Income

	<u>Number</u>	<u>Percent</u>
Under \$15,000	1,616	9.3%
\$15,000-34,999	3,689	21.3%
\$35,000-49,999	3,083	17.8%
\$50,000-74,999	4,548	26.3%
\$75,000-99,999	2,250	13.0%
\$100,000 and over	2,713	15.6%

1989 Median Household Income \$15,602



06/10/96

III. REASONS FOR THE FACTFINDING

The Maryland Advisory Committee identified several reasons for its factfinding in Montgomery County. Of concern to the Commissioners is this report's contribution to an emerging picture of Asian Pacific Americans obstacles on the local level.

The following information about Montgomery County also adds to a body of state advisory committee reports from other states.¹⁰ Together with the work of others, this Maryland Advisory Committee responds to the Commissioners' challenge "to encourage action by State and local governments and the private sector."¹¹

The Maryland Advisory Committee knows of no other agency that has conducted a similar inquiry. Our committee's report is not exhaustive of the topic however, and is not a fully researched study. We hope instead that our work will stimulate others to fill-in the obvious gaps in our data. We also hope that our report will be read by a wider audience and stimulate dialogue with the Asian Pacific Americans in Montgomery County about their issues.

Montgomery County's potential as a regional leader in civil rights protection is the final reason for our inquiry. The County has been the crucible for many laudable efforts. It was one of the first in the nation to establish programs for victim support and restitution for hate crimes.¹² With other communities in Maryland, it also started an initiative that resulted in the Governor's and State Legislature's founding support of the National Institute for the Prevention of Violence

¹⁰ The Commission's state advisory committee reports include:

- Illinois State Advisory Committee, *Civil Rights Issues Facing Asian Americans in Metropolitan Chicago*;
- New York State Advisory Committee, *Asian Americans: An Agenda for Action*, Feb. 1980;
- Hawaii State Advisory Committee, *Breach of Trust? Native Hawaiian Homelands*, 1980;
- New York State Advisory Committee, *The Forgotten Minority: Asian Americans in New York City*, 1978;
- California State Advisory Committee, *Asian Americans and Pacific Peoples: A Case of Mistaken Identity*, Feb. 1975; and
- California State Advisory Committee, *A Dream Unfulfilled: Korean and Pilipino Health Professionals in California*, 1975.

¹¹ Commissioners Report, see note 1.

¹² Maryland Code

06/10/96

and Extremism in Baltimore. The people of Maryland have demonstrated a lasting commitment to equality and justice. The Maryland Advisory Committee is confident that this spirit will lead to resolving the challenges facing Asian Pacific Americans.

IV. THE SOURCES

The Maryland Advisory Committee turned to leadership organizations for an accounting of Asian Pacific American problems and concerns. Early contacts with the Asian Pacific Americans Heritage Council's Executive Council provided us with access to nearly every group in the Washington metropolitan area.

Our liaison with the Asian Pacific American Heritage Council Executive Council produced a list of thirty-seven Asian Pacific Americans organizations in the Washington metropolitan area (see appendix A, Partial Listing of Asian Pacific Americans organizations in the Washington Metropolitan Area). The committee settled on a sample of group leaders representing differing national origins and tenure in the United States. Statements from Dr. Michael C. Lin, Ms. Jinhee Kim Wilde, Esq., Ms. Nguyen Minh Chau were received at the Maryland Advisory Committee's factfinding meeting.

To update this report, subsequent interviews have been included. In addition to the factfinding meeting panelists, and others, we have contacted key State and Montgomery County governments officials, and Leadership Montgomery. Leadership Montgomery is a nonprofit organization created to identify and assist emerging and current leaders. Its annual program consists of some forty participants representing a cross-section of Montgomery County business persons, government officials, civic groups, labor, and nonprofit organizations. Leadership classes convene in nine day-long sessions, each on a different current issue. Graduates often serve on public and private boards and constitute a resource bank for organizations in need of volunteer leaders. Nine of the top private employers in Montgomery County were also contacted.

06/10/96

V. THE ASIAN PACIFIC AMERICANS PERSPECTIVE

In order to understand the viewpoint of Asian Pacific Americans who are concerned about civil rights, we must begin by acquiring some insight into that perspective. On the civil rights front, experts sometimes blur the edges. In a discussion of *bipolar essentialism*,¹³ Professor Frank Wu presents the following analysis,

Bipolarity is an organizational scheme both imposed by and reflected in the law. Bipolarity has been associated with essentialism in the conception of race. Race is conceptualized as breaking down into two all-encompassing and mutually exclusive categories, black and white. Race is further conceptualized as a biological fact, relatively immutable, always visible in skin color, and a defining facet of a person. These trends toward bipolarity and essentialism manifest themselves as white against black, majority against minority, or American against foreign. Racial groups are conceived of as white, black, honorary white, or constructive blacks. IN

Under some circumstances, Asian Americans have been granted the status of honorary whites. In anomalous instances, whites may accept Asian Americans as white, despite *de jure* discrimination. Official school segregation, for example, could be ignored to permit specific Asian Americans to attend a white institution. Nevertheless, there do not appear to be many, if any at all, court cases characterizing Asian Americans as whites, where that characterization favors the individual thus identified.¹⁴

In matters of racial identity, Asian Pacific Americans have been bundled with whites when necessary to segregate whites and blacks. They are most often 'constructive blacks in circumstances where legislation or legal precedent subjugate blacks. The concept of bipolar essentialism leaves Asian Pacific Americans as a footnote in civil rights, neither white nor black.

A. ORIGIN OF THE MODEL MINORITY MYTH

Pejorative racial stereotypes are a powerful and pernicious tool for detaching minority groups and individuals from their essential humanity and kindredness with the majority group. The Model Minority stereotype as applied to Asian Pacific Americans is particularly counterfeit because it assumes the appearance of

¹³ Wu, see note 8, p. 248-9.

¹⁴ Ibid.

06/10/96

a compliment. Other racial stereotypes are much more obvious. They denigrate or use unflattering images to humiliate the minority group.

Professor Frank H. Wu traces the modern model minority myth image to the mid-Sixties after the passage of the Civil Rights Act and before the unrest which was to erupt in major urban areas.¹⁵ During this time of great social change, Wu notes, the *New York Times Sunday Magazine* published what one scholar has called "the most influential single article ever written about an Asian American."¹⁶ This article was entitled "Success Story, Japanese American Style."¹⁷ William Petersen, a professor from the University of California, Berkeley, opened his lengthy and largely sympathetic account of Japanese Americans by recounting official discrimination against them, including the internment. The point of his remarks was that "[g]enerally, this kind of treatment, as we all know these days, creates what might be termed, 'problem minorities'"¹⁸

In contrast to so-called "problem minorities," Petersen argued that the Japanese-American experience "challenges every such generalization about ethnic minorities,"¹⁹ Professor Wu tells us.²⁰ Their story was "of general interest precisely because it constitutes the outstanding exception."²¹

Professor Wu points to Petersen as having put into place all the elements of the model minority image, including an invocation of

¹⁵ Wu, see note 8, at 236.

¹⁶ Roger Daniels, *Asian America: Chinese and Japanese in the United States Since 1850* (1988) p. 317.

¹⁷ William Petersen, *Success Story: Japanese American Style*, N.Y. Times Magazine, Jan.9 1966, at 20. Another article about Chinese Americans appeared at the end of that year. *Success Story of One Minority in the U.S.*, U.S. News & World Rep., Dec. 26, 1966, at 73. See also Dennis M. Ogawa, *From Japs to Japanese: The Evolution Japanese American Stereotypes* (1971) pp. 28-35 (collecting examples of post-War praise for Japanese Americans, especially their willingness to forgive the internment, and their attempts to overcome discrimination without relying on governmental relief); *id.* Pp. 52-57 (early analysis of model minority myth).

¹⁸ Petersen, at 20-21.

¹⁹ *Id.* at 21.

²⁰ Wu, see note 8, at 237.

²¹ Petersen, *supra* at 21.

06/10/96

Horatio Alger as "patron saint."²² Petersen praised Japanese Americans as "a minority that has risen above even prejudiced criticism."²³ Wu says that in Petersen's estimation they had overcome discrimination and "[b]y any criterion of good citizenship that we choose, the Japanese Americans are better than any group in our society, including native-born whites."²⁴

Throughout the piece, Wu says that Petersen all but asked, "they made it, why can't you?" Every detail of his positive description of Japanese Americans stood in contrast to negative stereotypes of blacks and Mexican Americans. Petersen also noted, Wu tells us, that most Japanese-American juveniles were well behaved, except for a few delinquents who joined gangs comprised of "Negroes or Mexicans;" the worst offenders became followers of Islam.²⁵

From its early institution, the Asian American model minority myth appears to have been at best a back-handed compliment, intended to further denigrate others who Petersen styled "problem minorities."²⁶

The Maryland Advisory Committee's insight on the model minority myth was also informed by the Commission's recent report that attributed many of the civil rights problems confronting Asian Americans to stereotypes, especially the model minority stereotype.

B. TOWARD A CIVIL RIGHTS AGENDA

The Asian Pacific American experience is much more complex than the model minority myth suggests. A growing participation of Asian Pacific Americans in civil rights developments indicates recent efforts to establish a civil rights framework for addressing critical issues. The objective of some leading Asian Pacific Americans is to unify across a multiplicity of cultural and historical differences to become a greater political force.

The Illinois Advisory Committee to the U.S. Commission on Civil Rights heard an exposition of principles for implementing a civil rights agenda for Asian Pacific Americans recently. The president of the World Trade Center Chicago Association, Ross Masao Harano said,

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at 36.

²⁶ Petersen, see note 21

upbeat
Thought on
page 19 in
the intro to
the section.

As long as there are limited resources, and as long as groups must compete for these resources, there is a need for an Asian American political movement. Asian Americans must recognize that the Asian American political movement is a coalition movement. This coalition must recognize certain principles if it is to be effective.

First, the coalition must have a domestic agenda. It must not be involved in the politics of Asian countries or bring in the old world conflicts. The members of the coalition must forget the historical conflicts between the countries of their origins.

Second, the coalition must define the issues and agree upon some common goals.

Third, the members of the coalition must all participate on an equal basis and must contribute their resources equally. . . .

There are two main challenges that the Asian American political movement must accomplish this decade.

First, it must be an advocate for the needs and concerns of the Asian American community.

Next, it must be vigilant. There remain many in this country who do not like Asians and resent their presence in America. Some political and other leaders naively react supportively to these people. Asians in this country, therefore, must remain on guard.²⁷

²⁷ Ross Masao Harano, "Assimilation of Asian Americans and Their Participation in Political Processes", in *Civil Rights Issues Facing Asian Americans in Metropolitan Chicago*, by Illinois Advisory Committee to the U.S. Commission on Civil Rights, (Washington, DC: U.S. Commission on Civil Rights, May 1995), pp. 78-9.

VI. ASIAN PACIFIC AMERICANS PROBLEMS IN MONTGOMERY COUNTY

A. NUMBER OF COMPLAINTS FILED DO NOT REFLECT THE FULL EXTENT OF PROBLEMS

Ms. Patricia Proctor is Montgomery County's equal employment opportunity officer and represented the County government's perspective. Ms. Proctor had an intuitive sense that Asian Pacific Americans in Montgomery County are touched by racial discrimination as much as it affects other racial minority groups. The supporting complaint records did not exist to validate her sense about the problems. Responding to questions about possible under reporting of complaints, Proctor said,

It is very difficult for us to be aware of any problems if they're not brought to us. The numbers alone (showing disproportionate patterns for Asian Pacific Americans in Montgomery County employment) would certainly tell us that there are problems. I have not concluded that the problems we are discussing do not exist. The numbers simply are not there for me to give you a lot of examples or a lot of statistics.²⁸

Ms. Proctor reiterated the probability of glass ceiling employment problems for Asian Pacific Americans.²⁹ She could not however make specific commitments on behalf of the Montgomery County government, needed to bring necessary resources to bear on the matter. Instead, she hoped that the glass ceiling problem that she sensed would crack as current employees advanced within county agencies.

The Maryland Advisory Committee hoped to learn more about why so few complaints were filed despite estimates that there were significant problems. We asked Shu-Ping Chan, executive director, Governor's Office on Asian Pacific American Affairs. He explained,

Very seldom are posters or other information visible that inform the Asian Pacific American community on how to file a discrimination complaint. Perhaps the best places to place this information would be in shops and restaurants frequented by Asian Pacific Americans. . . .

²⁸ Testimony before the Maryland Advisory Committee to the U.S. Commission on Civil Rights, factfinding meeting, Rockville, MD, August 12, 1992, Transcript, p. 33-4 (hereafter cited as Transcript).

²⁹ Ibid.

06/10/96

I would recommend that civil rights agencies put efforts into greater dissemination of information, including specific information on the steps a complainant might expect if a complaint is indeed filed. I would say fear and unfamiliarity with the system and the process hinders most complaints.³⁰

The Maryland Advisory Committee also heard from its sources that Asian Pacific Americans, who are experiencing problems are not typically those who are already professionally successful. Ms. Satoko Ackerman, policy development officer, Montgomery County Department of Health and Human Services is an example. She said,

I wanted to respond personally to the generic issues of discrimination as an Asian American. In thirty years since leaving Japan and becoming a naturalized American citizen, I have never had any sense of discrimination against me. . . .The glass ceiling has not applied because in my career it has not affected me personally."³¹

Ms. Ackerman's experience she said was reflected also in the careers of other top ranking Asian Pacific Americans in Montgomery County government. Also commenting on the subject, Shu-Ping Chan added that

Montgomery County is extremely diverse. From personal experience, I have seen the County Executive's office and many executive department, including the police department, human relations commission, and the department of human resources, to be extremely open and receptive to hearing the concerns of the Asian Pacific American community. However, the senior management ranks in Montgomery County government are not reflective of the County's Asian Pacific American population, which totals close to 10%. If I were to rank county government agencies for their diversity of Asian Pacific Americans and overall awareness of Asian Pacific Americans concerns, I would rate it between a 3 and a 4 on a scale of 5 being the highest.³²

B. THE BIAS HAS HISTORICAL AND CONTEMPORARY ROOTS

Dr. Michael C. Lin, president, Greater Washington Chapter of the Organization of Chinese Americans opened the factfinding meeting

³⁰ Shu-Ping Chan, executive director, Maryland Governor's Office On Asian Pacific American Affairs, letter to Edward Darden, Senior Analyst, USCCR, May 24, 1996, hereafter cited as Chan letter.

³¹ Satoko Ackerman, policy development officer, Montgomery County Department of Health and Human Services, telephone interview, Washington, D.C., April 17, 1996.

³² Chan letter.

06/10/96

panel with broad statements about the ways in which bias and prejudice affects Asian Pacific Americans. He said that Asian Pacific Americans meet with racial bias, and are faced with numerous barriers and inequities in Montgomery County.

Dr. Lin said that anti-Asian laws are part of American history and helped lay a foundation for bigotry and intolerance against Asian Pacific Americans.³³ The historical pattern of housing segregation and racial bias against Asian Pacific Americans has meant that many Asian Pacific American attributes, their culture, speech accents, and physical features, have not been affirmed as desirable within the dominant American subculture. As a result, Asian Pacific Americans exhibit strains of assimilationism and multiculturalism that other minority groups develop in a search for racial and cultural realization in American Life.³⁴

Mr. Coung DuThinh, liaison officer for the Montgomery County Human Relations Commission, was concerned about what seemed to be continuing anti-Asian sentiments. In his view, some Americans believed that thousands of jobs formerly in America had been relocated to nations of the Asian Pacific Rim, creating hardships for many American workers.³⁵

The hostility that Asian Americans have met in this country in large part has been a direct result of various national advertising campaigns against Asian imports. This could be racist because there have not been similar attacks on imports from other countries such as German or British automobiles.

There exists some level of anti-Japanese feeling due to the economic recession, particularly because of strong competition in the automobile and electronic industries. And all Asians are likely to suffer from anti-Japanese feelings.³⁶

³³ For an historical treatment of anti-Asian laws and discrimination, see the U.S. Commission on Civil Rights report, *The Tarnished Golden Door*. It is often cited and considered a seminal work on Asian Pacific Americans' civil rights struggles. The Commission's more recent report, *Civil Rights Issues Facing Asian Americans in the 1990s*, provides a condensed "Brief History" section that is reproduced in this report in appendix B).

³⁴ Michael C. Lin, interview by Edward Darden, telephone interviews, Bethesda, MD and Washington, DC, Apr. 12 and May 7, 1996.

³⁵ The first highly publicized instance of brutal anti-Asian violence was the 1982 murder of Vincent Chin. Chin, a 27-year-old Chinese American, was bludgeoned to death in Detroit, Michigan, by two unemployed auto workers, who blamed layoffs in the auto industry on the Japanese.

³⁶ Coung DuThinh, Liaison Officer, Montgomery County Human Relations (continued next page)

06/10/96

Dr. Michael Lin recently noted that the national climate surrounding Asian imports has abated considerably since 1992. He described the rise in joint partnerships between Japanese and American automobile manufacturers as examples of ameliorating developments. He believes that American-based Japanese plants have served to blend distinctions between American-made and imported products. These new alliances between major companies, he believes have served to eliminate much of the earlier problems he described.³⁷

Detailing an example of bias against an Asian Pacific American in Montgomery County, Dr. Lin described a discrimination case, then in litigation, involving a real estate firm and one of its agents, who is a Chinese American woman.³⁸ Dr. Lin said that the agent did her work well and as a result attracted a housing developer as a prospective new client for the firm. After some preliminary discussions, the agent fleshed-out a presentation to show the new client how the real estate company would market sales for the client's newly developed housing subdivision.

Dr. Lin recounted how the Chinese American woman learned what happened next. Without consulting her or prior notice, her office supervisors decided that assignments on the new account and upcoming sales presentation would instead be given to a Caucasian agent in the office. Dr. Lin said that the Chinese American woman believed that she had more experience and was the better choice to continue working the account that she had generated. The timing of the supervisor's move also alarmed the agent. Her separation from the account was just before the sales presentation. This meant that the Caucasian agent could displace the Chinese American agent and claim commissions for the anticipated contracts with the new client.

Upset by the seemingly unfair disruption of her work with the new client, and loss of prospective commissions, the Chinese American agent asked the supervisor for an explanation, Dr. Lin explained. The response surprised her and led her to seek help from the Organization of Chinese Americans, where Dr. Lin was president.

Dr. Lin said that the employer defended the action, calling it a business decision. The supervisor had reasoned that the new client's housing subdivision was planned for construction in an

Commission, Transcript, p. 51.

³⁷ Michael C. Lin, *supra*, May 7, 1996.

³⁸ Ms. Pauline Jih then employed as an agent by Long & Foster has since taken a position with another company. Further information about her complaint is not available by mutual agreement between the parties. See Lin Interview, May 7, 1996.

06/10/96

area dominated by political Conservatives and a vast majority were Caucasian. The employer's "business decision" turned on a belief that prospective buyers coming to that area and subdivision would also want to have another Caucasian interacting with them and handling the transaction.

The account as Dr. Lin gave it seemed an example of obvious racial discrimination. He allowed that perhaps there were some unidentified facts that might lead to a less troubling explanation. From the perspective of the complainant however she was denied opportunity because of racial bias. Prejudice was at the root of the attitude that the prospective buyers and the sales representative ought to be of the same race. Dr. Lin said,

I don't fault the person for that decision because the person took into account many, many factors. But, as a result, a Chinese American is deprived of that opportunity simply because she looks Asian.³⁹

Dr. Lin described several other accounts of Asian Pacific Americans, who, from their perspectives had been targets of bias and discrimination. His list follows,

A second example of specific incidents of discrimination is a Chinese American friend of mine in Montgomery County. His car was set on fire by someone in his own driveway. And that was reported and so forth. And as of today this incident has not yet been resolved. It's kind of bothersome because until it's resolved; you don't know what the perpetrators intentions were. You don't want to cry wolf all the time when you see that something disturbing has happened to an Asian American. But on the other hand, it did happen.

Third example is something many of us felt badly about. Recently, the news media reported that a presidential candidate, and I can only tell you it's not David Duke, said that immigrants from any region of the world, other than Western Europe, represent a threat to the American way of life. Isn't that the same sentiment that led the U.S. Congress to enact the Chinese Exclusion Act more than a hundred years ago in 1882? Sometimes I wonder, have we made any progress in the last 100 years?

Fourth example, actually it didn't happen in Montgomery County; however, it's so relevant I'd like to just briefly describe it. It's about a friend named Ida Chan, obviously Chinese American. A couple of years ago she was elected to a judgeship in Philadelphia, PA. And during her campaign and speeches very often people would come up to her and say, "Where did you learn your English? You spoke so well," without realizing that she was born in this country. She majored in English at Harvard.

Now let's don't make no mistake. The comment was very well intended as a compliment. But that illustrate the

³⁹ Transcript, p. 11.

essence of the problem because we will always look Asian and very often looked upon as being foreigners.

And that very often is the basis of very many problems that we see. And many of us will always speak with accent. We'll never speak as well as those born here. However, we are no lesser American than the next person.

And let me just give you one last example. Some of you perhaps are familiar with the name of Kristie Yamaguchi. She got a gold for figure ice skating a couple of years ago at Winter Olympics. And one picture really impressed is that when she step up on that top place on the forum when she received the gold for America, the next place is a Japanese.

And when you look at that picture you have two Japanese looking ladies, just got one gold, one silver. And one is American who just got a gold for America. And that conveyed a very powerful message that America is diverse society.⁴⁰

During questions and responses from the panel, one thread of discussion addressed the long standing myth of Asian Pacific Americans as the model minority. Several general comments about Asian Pacific Americans successes came into play as examples of positive achievements that balance examples of Asian Pacific Americans problems. Dr. Lin said,

I'm not surprised (by the perception), because not all stereotypes are untrue. Not all stereotypes are unfair. Some of them have some substance.

And that's exactly part of the problem that we have, because we don't want to be treated as statistic. We have to be treated as individual.

All three of us (Asian Pacific Americans panelists), I think -- actually we're considered the fortunate ones, but we work hard. We put in our dues. And we are here today to speak on behalf of the community, which is very diverse. There are all kinds. And they are less advantaged, especially those who just came recently.⁴¹

C. ASIAN PACIFIC AMERICANS IN POLITICS

Elections in Montgomery County have produced two Asian Pacific American office holders. The first Asian Pacific American to win a county election was Alan Cheung, who was elected at-large to the Montgomery County School Board in 1990. His campaign to improve science training in public schools attracted a range of non-Asian Pacific American voters, who together with Asian Pacific American voters formed a successful coalition to win one

⁴⁰ Michael C. Lin, *Transcript*. pp. 11-2.

⁴¹ Michael C. Lin, *Transcript*. p. 28

06/10/96

of three vacant at-large seats on the County Board of Education.

Also in 1990, State delegate, Kumar Barve, an Asian Indian American was elected to the Maryland State House of Delegates from district 17, which covers parts of three counties, including a portion of Montgomery county.

D. ASIAN PACIFIC AMERICAN WOMEN

Mrs. Nguyen Minh Châu, president, Organization of Pan Asian Pacific American Women, said that the organization, founded in 1976, works to ensure that Asian Pacific American women from various walks of life are represented in American society, especially in those areas where they have been excluded or under represented. She also represented the National Association for Asian Pacific American Education, and appeared in her role as a member of the Montgomery County Commission for Women, and the Montgomery County Human Relations Commission.

The main focus of the Organization of Pan Asian Pacific American Women, Ms. Châu said, is on refugees and new immigrants. The group provides educational and language instruction as a primary service and assistance with other resettlement needs.

Ms. Châu asked the committee to understand that her activism represents a change from the traditional role of Asian Pacific American women. Like women in many cultures, Asian Pacific American women are expected to be reserved and hold her questions or comments for consideration within the family. In her view, Asian Pacific American women cannot live in a cocoon. She noted that many Asian Pacific American women work in businesses owned by Asian Pacific Americans. They developed a sensitivity for the African American communities, where many of these business are located, and have taken the initiative to improve intergroup relations. She considered this to be a good example of women's increasing responsibility and participation in resolving racial tensions.

Ms. Châu described the County's civil rights laws, from her perspective as a commissioner of the Montgomery Human Relations Commission, as fully adequate but enforcement of the laws was a problem.⁴² County enforcement efforts often did not reach new immigrants and refugees. As a result, she believed that numbers of them do not know that they are protected from illegal forms of discrimination. A sense of vulnerability, exacerbated by their few numbers, leads many think that their discrimination concerns are low priority for most County agencies.

⁴² Transcript, p. 22.

06/10/96

As a community activist, Ms. Châu wanted to produce accounts of actual incidents of discrimination against Asian Pacific Americans. Unfortunately, the fear factor is still strong, especially among those who feel vulnerable as new immigrants. She revealed that her community contacts were delighted that a Federal agency was gathering information on their complaints. She said,

You should have seen the joy on the face of the people. And then I said, I'm one of the panelists and I would like to hear from you so that I can have input to the commission. There was a mad scramble to get away from me. People have avoided talking to me since then.

You know, you [Federal agencies] are respected as a body of authority of protection when you are here, but a lot of the times you are away. Who's going to protect us while you're not here?⁴³

Commenting from her perspective as president of the Association of Pan-Asian American Women, Ms. Châu gave some insight into domestic and interpersonal relations within Asian Pacific American community. She underscored the importance of supporting family units and mentioned a growing awareness of domestic violence in portions of the community.⁴⁴ The plight of battered women in Asian Pacific American communities has been traditionally an internal family matter. Women who wished to seek help from authorities were discouraged by social pressures and urged to rely on friends and relatives for help instead. These traditional ways are altering as new immigrant families adjust to their new environment. Increasing numbers of women, seeking outside help for domestic problems is one sign of change. Necessity is a contributor in most of these cases because many women no longer have the network of friends and relatives they left in their former homelands.

In an updated picture of women and domestic issues, the executive director of the Governor's Office on Asian Pacific Americans Affairs, Shu-Ping Chan, said

Certainly immigrants arriving in any new society will acquire at least some aspects of the culture and lifestyle of their new home. When it comes to the role of women in the home, the lifestyle in America might run counter to some aspects of certain Asian Pacific American traditions and cultures. This puts additional pressure in the home life of some traditional families. Some immigrant families might include arranged marriages where husband and wife never meet

⁴³Transcript, p. 15.

⁴⁴ Transcript, p.15-6.

06/10/96

until the wedding. When the stresses of adjusting to a new culture are accompanied by this sort of marital arrangement, untold hardships can occur, which often results in domestic violence. . . .

The actual numbers of domestic violence incidents are rising in the Asian Pacific American community, as well as the reporting rate of these incidents. The sense of shame that causes these cases to be kept quiet is slowly giving way to the need for public awareness and prevention. There are a number of Asian Pacific American organizations that are being formed and becoming active that specifically address this problem. There is a strong need for culturally appropriate shelters for victims and their children. It will still be a long time before Asian Pacific American domestic violence organizations can start shelters of their own, so the immediate need is to provide programs in existing shelters that are culturally appropriate for Asian Pacific American victims. At the very least, existing shelters should become aware of the unique needs of Asian Pacific American victims.

Domestic violence is planned as one of the topics that the Task Force to Study Anti-Asian Violence will study. A report is due to the Governor of Maryland and the General Assembly by January 1, 1997, and will be completed by the Governor's Office on Asian Pacific American Affairs.⁴⁵

The uncertainty of many about the processes of local, state and Federal governments, led Ms. Châu to recommend that agencies should consider alternative methods for delivering government services. She believed that government agencies would build greater trust among the people if their actions reflected an understanding of community needs and sensitivities. Governments need to consider, at the outset, what effect cultural difference will have on the outcome of some of its initiatives, so that the benefits of government services can become better attuned to Asian Pacific Americans traditional values. For example, channeling services like language training so that men are priority recipients, and the resulting potential increase in employment for men would help them as breadwinners, preserving their traditional role in the community. Ms. Châu pointed out that being male sometimes is a disadvantage to employment opportunities for Asian Pacific American men.⁴⁶ Women are more apt to become employed than similarly situated men because some employers, especially those who follow the contracting guidelines set by county government, use a ploy with women that helps to enhance the employer's equal employment statistical profile.

Ms. Châu put her several concerns into priority, using two main

⁴⁵ Chan letter.

⁴⁶ Transcript, pp.15-6.

06/10/96

points:

- (1) County and school officials need to review their management policies and practices to ensure that equal treatment applies to Montgomery County's Asian Pacific American community,
- (2) Government action is needed to address the special problems of the Asian Pacific American community, such as, language training, service delivery centers within areas of easy access for the community, and more service providers, whose expertise include familiarity with cultures and languages found in the Asian Pacific American community.

E. A PERSONAL ACCOUNT OF HURT

Ms. Jinhee Kim Wilde, Esq., then associate director, Korean American Alliance and vice president, Asian Pacific American Heritage Council presented a personal account of her experiences with racial bias. As a successful lawyer in Washington, D.C., she was well qualified in the legal profession and familiar with downtown Washington.

Ms. Wilde described what she perceived as a racial assault. She, like many other Korean Americans living in Montgomery County, comes into Washington, D.C. for work. She also spent volunteer time with some of Washington's inner-city service organizations.

Her account of being spat upon by some African American young adults follows,

I was on my way to lunch and there were three African American young ladies approaching from the other direction. And one young lady had a Coke in her hand. She took a swallow, and as I was passing, she spit the whole mouthful of Coke at me.

This happened just a few months ago. I was stunned, but she just looked at me and gleefully smiled and dared me to do something. I walked away from it.

That's very blatant. I have never had that kind of experience in my life. So I was stunned. Especially in view of the fact that I work very closely with the African American community on resolving the conflict situation between Korean American community businessmen and African American inner-city neighborhoods.

I generally felt that my community and the African American community are akin because we are all of people of color. With bad economic times, it is more apparent to me that when all minorities are put into one pot, and we're struggling for the same little piece of pie, that is set aside for the minority population and women, we are put into a position of competition. We have to compete and show the

06/10/96

American mainstream, which of us is more deserving? And that is the basis for a lot of these conflicts among minorities.⁴⁷

Ms. Wilde also reiterated the other panelists' view that bias permeates the work place and acts as a disadvantage for most Asian Pacific Americans in their careers. Again using a personal example, she related her experience as a government attorney and a recent conversation with her supervisor.⁴⁸

My supervisor, an attorney, told me at one point that he scrutinizes my work more than others because of cultural differences in my writing. What does that tell you? The message is not subtle here. I was appalled that an attorney would say that, openly. But again, I did not press the point. I, like many other Asian Pacific Americans, really do not like to file cases (on personal matters).⁴⁹

As an attorney, Ms. Wilde observed that many Asian Pacific Americans do not take full advantage of the judicial system or avail themselves of its protection, some are even afraid of it. She noted the irony, that despite an enormous and continuing struggle for human rights in places like Korea, in the United States, Korean Americans and other Asian Pacific Americans are full of uncertainty about our justice system and are reluctant to press for equal protection of the laws for themselves. She said, "I'm not really sure what we can do to help that situation, but maybe a panel like yourselves can pacify that fear in us."⁵⁰

⁴⁷Transcript, pp. 17-8.

⁴⁸ Ms. Wilde was a professional staff member in the U.S. Department of Commerce at the time of the alleged comments.

⁴⁹Transcript, p. 19.

⁵⁰Transcript, p. 19.

VII. SIGNS OF A GLASS CEILING?

x - intro - take from pg. 40 +

A. A GREATER SHARE IN MONTGOMERY COUNTY FOR ASIAN PACIFIC AMERICANS

phrase saying "to

In 1990 more than two-thirds (67 percent) of all Asian Pacific Americans lived in just five states.⁵¹ California, with 40 percent remained the state with the biggest share, up from 35 percent in 1980. Hawaii, which historically has had a large Asian Pacific Americans population, ranked second with 11 percent, down from 16 percent in 1980. New York, Illinois, and New Jersey rounded out the top five. Maryland ranked eleventh with 2.9 percent, up from 1.5 percent in 1980.⁵²

evaluate a glass ceiling. The Committee looked at professional certificates,

While the number of Asian Pacific Americans added to the Maryland population between 1980 and 1989 (55,441 persons) is not as large as the number of African Americans added (231,749 persons) or the number of Latinos added (78,356 persons), the rate of growth among Asian Pacific Americans far surpasses other groups. During the 1980s, Asian Pacific Americans grew by 117.4 percent, which is about 16 times the rate of non-Hispanic whites. Their rate of growth was five times higher than that of blacks and just over twice as high as that of Hispanics.

language bias, employment data, etc.

B. HOUSEHOLDS HEADED BY IMMIGRANTS ARE PROBABLY INCREASING

With regard to the number of immigrants among Asian Pacific Americans in Montgomery County, we could not find an authoritative source for that information. We turned instead to the 1994 Planning Area Profiles⁵³ for related information. The 1994 Planning Area Profiles have been expanded from earlier profiles to include additional data items and increased detail within categories. Also, the results of two new questions are shown. These items are the percentage of households with either

⁵¹ William P. O'Hare and Judy C. Felt, Asian Americans: America's Fastest Growing Minority Group, Population Trends And Public Policy (Population Reference Bureau, Inc.) Number 19, February 1991, p 5. We owe much of our national data and analyses to this these writers.

⁵² 1990 Census, State Populations by Race.

⁵³ Maryland-National Capital park & Planning Commission, 1994 Census Update Survey, Planning Area Profiles: Demographic Data by Area and Structure Type, Technical Report, Nov. 1995. See note 8.

06/10/96

a foreign born head or spouse and the percentage of households with computers.

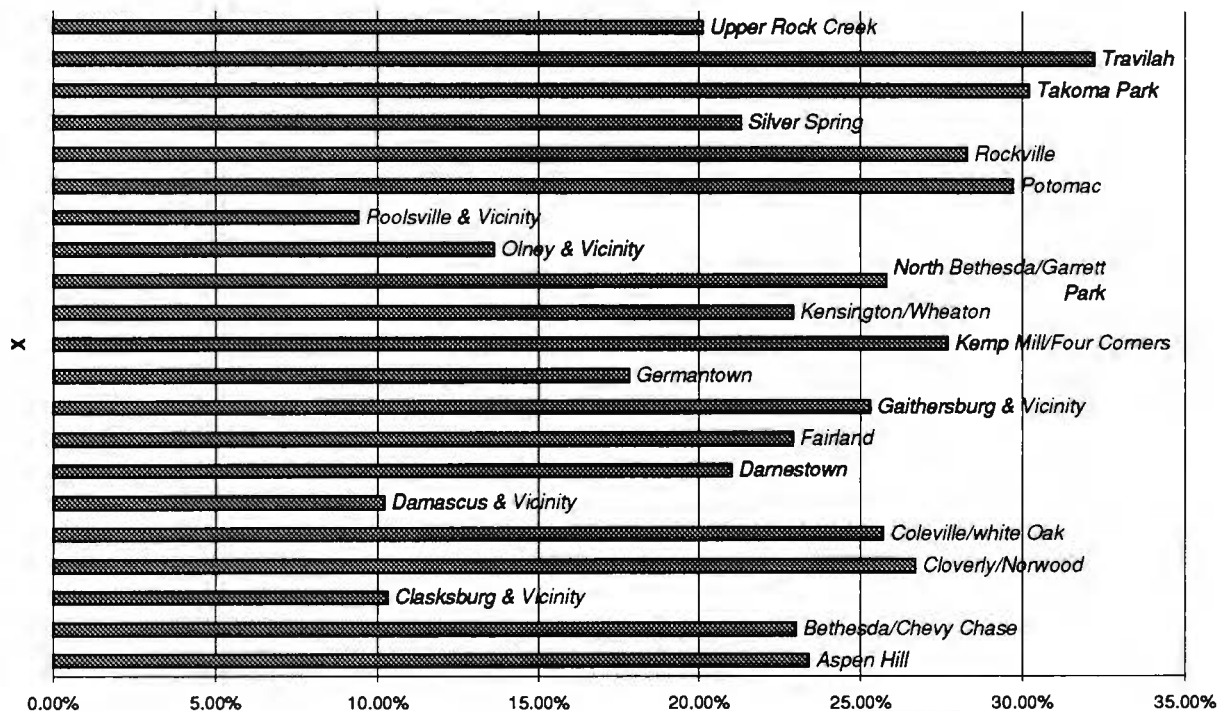
The Maryland-National Capital Park & Planning Commission explains that its survey of households with foreign born head or spouse is a percentage of households where either the householder or spouse was born outside the United States. The data are not an estimate of foreign born population and is not comparable to the 1990 U.S. Census data.

Countywide, households with foreign born head or spouse are 23.6 percent, up from 18.6 percent of total population in 1990. In Montgomery County's most populous areas the pattern density is often higher, nearly thirty percent in Potomac and Rockville.

% Foreign Born Head or Spouse by Seven Most Populous Areas

Area Name	Household Population	Number of Households	% Households with Foreign Born Head or Spouse
Gaithersburg	117,710	43,025	25.3%
Bethesda/ Chevy Chase	79,305	33,910	23.0%
Kensington/ Wheaton	75,900	28,565	22.9%
Aspen Hill	56,885	23,120	23.4%
Germantown	53,495	19,070	17.0%
Potomac	43,110	14,885	29.7%
Rockville	40,885	16,070	28.3%

**% Montgomery County Households with Foreign Born Head or Spouse by Planning Area
1994 Census Update Survey**



We mentioned above that Asian Pacific Americans population is increasing much faster than any other. It is probably safe to assume that Asian Pacific Americans are firmly among a swelling number of immigrants coming to Montgomery County from around the world.

At issue for our purposes is whether the language styles and cultural diversity that Asian Pacific Americans bring is a barrier to opportunity or target of racial bias. Dr. Michael Lin, using irony, asked rhetorically,

And speaking of accent, what do you think of British accent. Isn't that neat? Isn't that cute? And what do you think of French accent? It's charming isn't it? It sounds sophisticated. And how about German accent? It didn't stop Henry Kissinger from becoming the Secretary of State. However, when it comes to Asian accent there's always some reservation on the part of the public.⁵⁴

⁵⁴ Transcript, p.11.

C. PROFESSIONAL CERTIFICATION—HUMAN CAPITAL LOST?

The Maryland Advisory Committee having established Asian Pacific American immigrants as probably a rapidly increasing segment of the Montgomery County population turned to the question of Asian Pacific American professionals. Several of the over forty recommendations in *Civil Rights Issues Facing Asian Americans in the 1990s*⁵⁵ focus on the problems of professional certification. The high level of professional jobs in Montgomery County also make it relevant.

Ms. Châu said that Montgomery county has many Asian Pacific American professionals, whose higher education abroad is not accredited in the United States. Asian Pacific American professionals also hold a strong belief that they are often denied opportunities for career advancement, even when their academic credentials are from American universities.

Consistency

You wonder what happens to them, this big bulk of professional people who can't get there. . . [W]hat happens to them on their way to the top? The question that I would raise is, how long will it take the Asian Pacific American professionals to get to the decision making positions, or will they ever get there, for some of them.⁵⁶

Shu-Ping Chan of the Governor's Office on Asian Pacific Americans described today's situation for Asian Pacific Americans professionals much as Ms. Châu had done in 1992. He said,

In certain occupational categories, such as health care providers and engineers, certification is a significant issue. Immigrant professionals in these and other fields, who might have been highly successful in the home country, now face unemployment in the United States, or are forced to take jobs that are not commiserate (sic) with their training for which they are absurdly overqualified. For many immigrants with professional training, the certification process in the U.S. might be too difficult, cumbersome or time consuming. Often, this is exacerbated by language barriers.⁵⁷

Dr. Oliver Lancaster, superintendent of Montgomery County schools told the Maryland Advisory Committee at its factfinding meeting that a potential loss of human capital that is represented by

⁵⁵ Commissioners Report. see note 1.

⁵⁶ Transcript, pp. 14-5.

⁵⁷ Chan letter.

06/10/96

underutilized Asian Pacific American professionals has a worse effect of schools.

The Commission should place "fast track" emphasis on its recommendation 23⁵⁸ in the Commissioners Report that calls on professional licensing board to examine their policies in light of the disparate impact on immigrants. Dr. Lancaster explained, "That recommendation should be on the fast track because we're losing a lot of time and a lot of outstanding educators who come to us but cannot get certified and get into the classroom and provide the support and the leadership that we need."⁵⁹

D. LANGUAGE AND CULTURAL DIFFERENCE? A BARRIER OR BIAS?

If any barrier to advancement for Asian Pacific Americans were particularly cruel, it must be the language bias. Ms. Proctor was candid about this, saying that speech communication is a potential barrier for Asian Pacific Americans. She explained,

Well, I made the comment saying that I have had some experience consistent with your findings in your report (Commissioners Report) that language has been perceived by some as a barrier. How large of a problem that is, I don't know.

I'm talking about one or two or three comments that have been made to me.

Our attempt to address that is certainly when you're hearing those comments you deal with it right then and there in terms of trying to inform and educate. But our organization has ongoing cultural awareness and sensitivity training that is available.

It's not mandated but it is available for our employees to attend.

I accept that we need to do more in terms of issues related to Asian Americans. And we recently have an Asian American employees' group that has formulated. And I fully anticipate them being a resource for informing the administration of problems that they perceive and also helping us to arrive at solutions to those problems.⁶⁰

Ms. Proctor went on to say that the language barrier is quite difficult for those who aspire to leadership positions. In earlier comments Ms. Jinhee Wilde in her personal story and Dr. Michael Lin's in descriptions of complainants' experiences gave

⁵⁸ See note 1, p.199.

⁵⁹ Transcript, p. 58.

⁶⁰ Transcript, p. 44.

06/10/96

examples of the effect Asian Pacific Americans speech or language syntax can have in the work place.

Our sources expressed many similar sentiments as those described by Samuel Wong, Ph.D., in his study, *Neither Black Nor White: A New American Dilemma, The "Glass Ceiling" Problem for Asian Americans*.⁶¹ Dr. Wong finds, "It is plausible that the persistent perceptions that Asian Pacific American employees lack good communication skills or are so research-oriented and technically-focused that they cannot supervise people are a form of subtle discrimination."⁶²

The language barrier is also a problem for many Asian Pacific Americans in other areas of life. Representing the Montgomery County Human Relations Commission, Mr. Cuong DuThinh talked about hate crimes in the County. He said,

In 1992, on January 1st to the end of July last month, our statistics show 16 incidents have already been reports. Of the complaints involving commercial property, the incidents enumerated vandalism and intimidation. Residential cases included assaults, vandalism's and harassment's.

School incidents consisted of fights and beatings by several assailants. . .

Besides these officially reported cases, many other Asian Americans are victims of hate and violence, but are reluctant to appeal to the authorities. They are unfamiliar with the justice system, have a language barrier and fear of retaliation.⁶³

Language barriers also affected Asian Pacific Americans in the judicial system, according to Ms. Jinhee Wilde of the League of Korean Americans. In response to questions about what measures might help Asian Pacific Americans make better use of the courts, Ms. Wilde said,

I'm not really convinced that they should. This is terrible of me since I am an attorney. I should be more willing to say there's a judicial system out there; it works; and take advantage of it. I'm not really sure it does.

⁶¹ Samuel Wong, *Neither Black Nor White: A New American Dilemma, The "Glass Ceiling" Problem for Asian Americans*, U.S. Dept. of Agriculture, Office of Civil Rights Enforcement, Sept. 1994.

⁶² Ibid. p.26.

⁶³ Transcript, p.56-7.

There are virtually -- I'm not really sure if there are any federal court judges who are Asian Americans for one. Very few attorneys are. And when you go through a judicial system like ours, different jurisdictions have different laws. Different facts bring into different laws being played upon.

It's very complicated. And for Asian Americans who maybe or not are educated here, who cannot speak the language, it's a very daunting process. Maybe encourage more of our second generations to go for a law degree as opposed to technical engineering degree or medical degree. I don't know.

But maybe a court system with a court interpreter available. There are many Hispanic interpreters available.⁶⁴

Summarizing the language barrier problem, Mr. DuThink of the Montgomery County Human Relation Commission said,

Asians are different from either the American black, white or Hispanic community. They wear different clothes. They eat different foods. Have different lifestyles. Culture and languages are also different from other groups.

Due to the deficiency in the English language and their lack of understanding of American culture and customs, many Asian Americans are forced to be isolated from the community's cultural, educational and civic life. They cannot make friends with their neighbors easily, not to mention participation in community affairs.⁶⁵

note to

E. WHAT IS A GLASS CEILING?

During the late 1970's and early 1980's, studies outside of the Federal Government showed that women at work often faced subtle barriers--or what became known as a "glass ceiling"--which constrained their career advancement. By 1982, the term "glass ceiling," and the concerns for women associated with it, had come to Federal Government. The U.S. Merit systems. Protection Board published one of the first Federal glass ceiling reports, a Special Study that "was designed to examine the process for career progression in the white-collar workforce, and the nature and extent of any barriers women may confront in that process."⁶⁶

Late in the 1980's, then U.S. Department of Labor Secretary Lynn

⁶⁴ Transcript, p. 23.

⁶⁵ Transcript, p. 57.

⁶⁶ U.S. Merit systems. Protection Board, A Question of Equity: Women and the Glass Ceiling in Federal Government, A Special Study, October 1992, front pages x.

06/10/96

Martin put "glass ceiling" into more precise terms,

While individuals and organizations have developed various definitions of the glass ceiling, the Department of Labor has concluded that the glass ceiling is most clearly defined as those artificial barriers based on attitudinal or organizational bias that prevent qualified individuals from advancing upward in their organization into management-level positions.⁶⁷

Over the decade of the 1980's we see that the meaning of glass ceiling changed from its early sense as mostly a women's issue. In November 1995, U.S. Department of Labor Secretary Robert B. Reich, writing as chair of the Federal Glass Ceiling Commission said, "A phrase coined to describe the difficulties women have in rising to the upper echelons of business, the glass ceiling is now understood to be an obstacle to minorities as well."⁶⁸ Using the more contemporary meaning of glass ceiling issues, the Maryland Advisory Committee's approach focuses on Asian Pacific Americans as a racial minority group rather than gender.

The Maryland Advisory Committee divided its questions about glass ceiling issues into the status of Asian Pacific Americans in Montgomery County government and in top private employers. The committee asked Montgomery County and private industry representatives whether a glass ceiling exists in Montgomery County for Asian Pacific Americans and, if so, to what extent, and what steps would help to eliminate it.

F. GLASS CEILING IN MONTGOMERY COUNTY GOVERNMENT

Ms. Patricia Proctor, who represented Montgomery County government, explained that the County's goal, with respect to diversity in the workforce, is to reach racial inclusions that roughly mirrors the County's population. With regard to meeting this goal, the county gives hiring officials wide latitude in the recruitment and selection processes, if they determine that improving diversity is a priority. She thanked the committee for holding the meeting and providing an opportunity for the County Executive, through her, to hear about these problems directly and meet the community leaders.

⁶⁷Lynn Martin, Secretary of Labor, U.S. Department of Labor, A Report on the Glass Ceiling Initiative, Office of Federal Contract Compliance Programs, U.S. department of Labor, 1991, p. 1.

⁶⁸ Robert B. Reich, Secretary of Labor, U.S. Department of Labor, A Solid Investment: Making Full use of the Nation's Human Capital, Nov. 1995, p.4.

Ms. Proctor provided a statistical profile of Montgomery County executive branch employees by race and position classification. The results are displayed below. A total of employees for each racial group and Hispanics is shown in a bar. The bars are divided into segments that represent the proportion of employees in the series by job category. The numbers along the series show how many persons are in each job category.

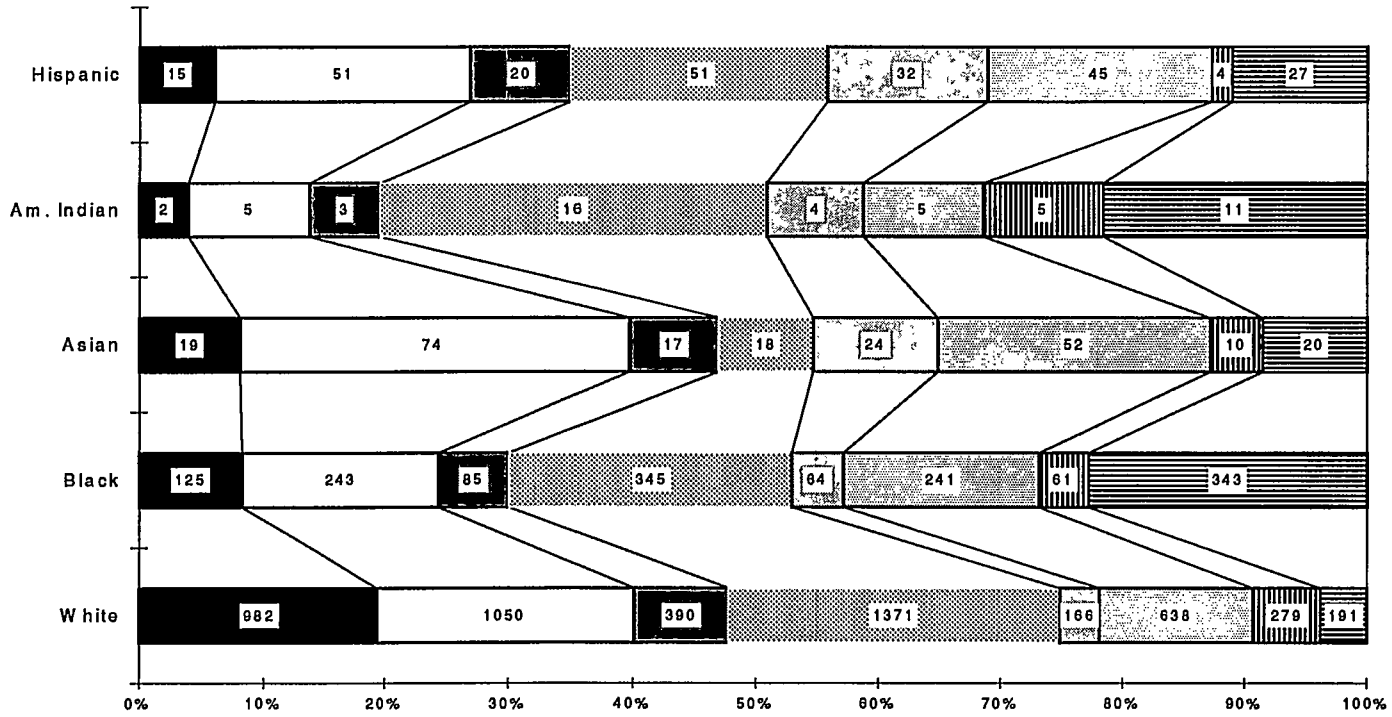
We can see from the chart that Asian Pacific Americans are clustered in the Professional/Technical category and are more than twice the proportion of other groups. These data tend to support the perception of a glass ceiling barrier as indicated by stacking of Asian Pacific Americans in the professional/technical categories.

Conversely, in the top category for Official/Administrator, the top ranking positions in the executive branch, Asian Pacific Americans have one of the smallest proportions. There points when considered together tend to support the views of our sources that Montgomery County government showed signs of a glass ceiling for Asian Pacific Americans.⁶⁹

⁶⁹ Transcript, pp. 17,36,46,51

Montgomery County Government by Race July 31, 1992 (Permanent Only)

Official/Administrator Professional Technical Public Safety Paraprofessional Clerical Skilled Craft Service/Maintenance



06/10/96

In other branches of Montgomery County government, the participation of minorities is small and for Asian Pacific Americans, minuscule. The chart below completes the view of minority employment in Montgomery County government in 1992.

Employment in the Branches of Montgomery County Government 1992

	Total	Whit	Black	Hisp	Asian	Amer Ind	Male	Fem	Minori ty
Executive Branch	7104	5067	1507	245	234	51	3938	3165	2037
TOTAL	100%	71.3	21.2	3.4	3.3	0.7	55.4	44.6	28.7.
Judicial Branch	156	137	15	3	1	0	47	109	19
TOTAL	100%	87.8	9.6	1.9	0.6	0.0	30.1	69.9	12.2
Legislativ Branch	87	78	7	0	1	1	17	70	9
TOTAL	100%	89.7	8.0	0.0	1.1	1.1	19.5	80.5.	10.3

The Maryland Advisory Committee asked Ms. Proctor whether the County had noticed the stacking of Asian Pacific Americans among the executive branch employees and the signs of a glass ceiling? Her response follows,

Consistent with the findings in the (workforce distribution by race) report, I'm sure that our organization is also one to stereotype on some level. We find that we have a lot of Asian employees in our technical positions. We find individuals with a lot of technical competence. And we don't know if then they are restricted from moving forward to the higher level decision-making positions. Certainly the numbers would indicate that.

Asian groups have had a lot of success in professional positions. But again, not being able to move forward into the higher level ones.

I hear the same complaints about the linguistic barriers—Will this individual be able to communicate with other employees, if they have to be in a lead role? That's just something that I hear also. . . .I have not made the conclusion that the problems don't exist. They simply are not there for me to give you a lot of examples or a lot of statistics on. . . .

We are in some severe fiscal constraints as many organizations are. That has a positive side to it, though, and one of those things is that we have had an initiative within our county government to promote from within and to restrict the advertising for vacancies outside.

So if we are looking within to promote there is a natural group of employees that we can tap to move up. And of course, people have to be in a position to move up, so we also are looking at what can we do to improve our mentoring programs, to enhance the job sharing opportunities, the participation on committees and whatever other activities would lend themselves to exposing someone to different skills

06/10/96

they hadn't acquired already and facilities in that movement into higher level positions.

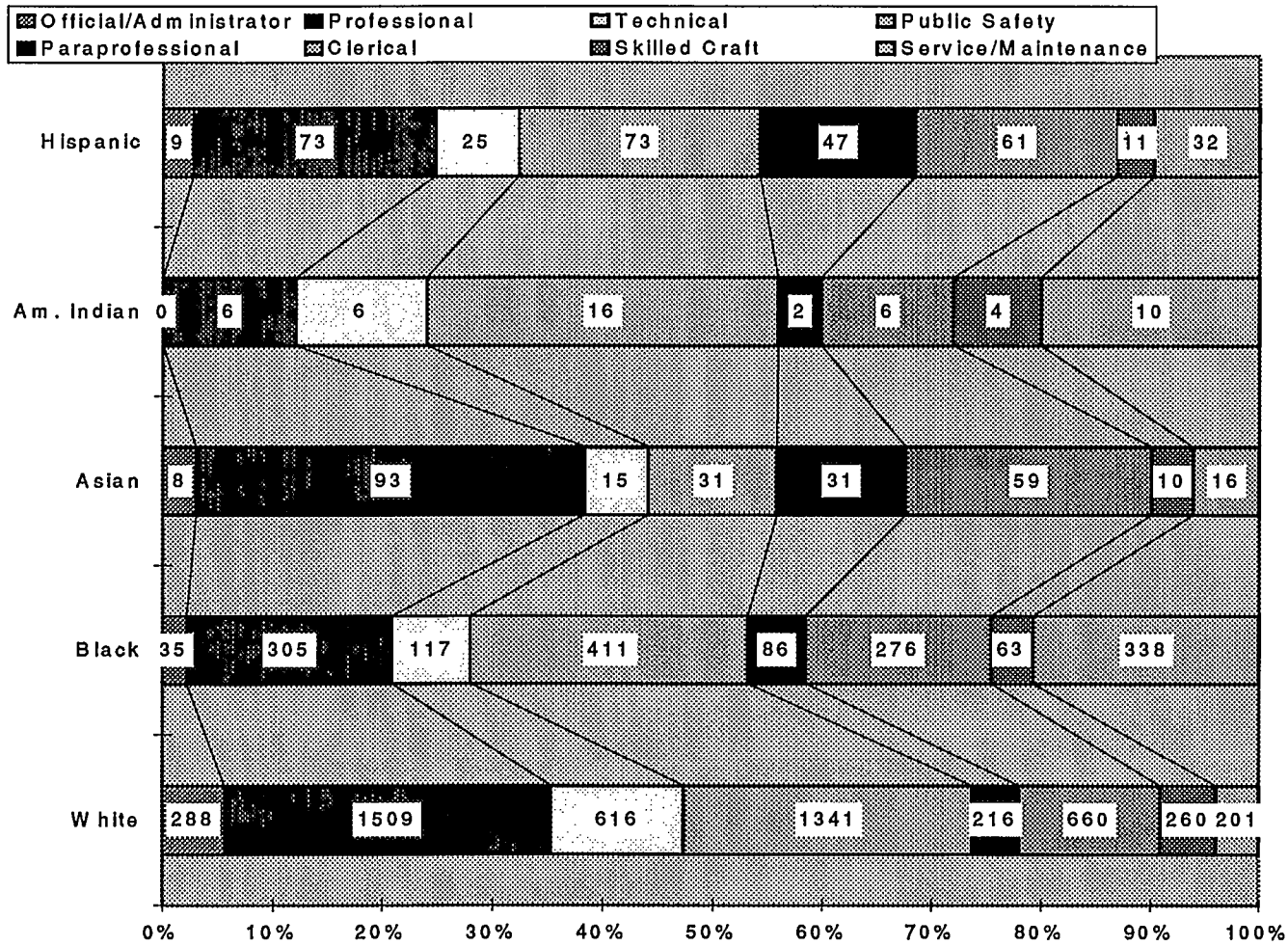
Training is one of the major issues that you typically have to address early on when you're talking about trying to change attitudes. And we've been doing some of that under the general guise of cultural awareness and sensitivity, but we obviously have to do more. And I think we have to do more around this whole issue of the glass ceiling concept.⁷⁰

The Maryland Advisory Committee has gathered current information on Montgomery County employment for comparison with the patterns in 1992. The data are presented in the following chart similarly to the data from 1992. Ms. Proctor explains that in the interim since 1992, the County's personnel department conducted an extensive reclassification of positions. The result was a shift of several positions that had been counted as Officials/Administrators in 1992. Now many of those positions have been reclassified, mostly as professional positions.

The shifting classification of positions means that many fewer positions exist among the top-ranking job categories than in 1992. For the purposes of the Maryland Advisory Committee's inquiry however the proportional ratio by race is still significant and consistent with the earlier data.

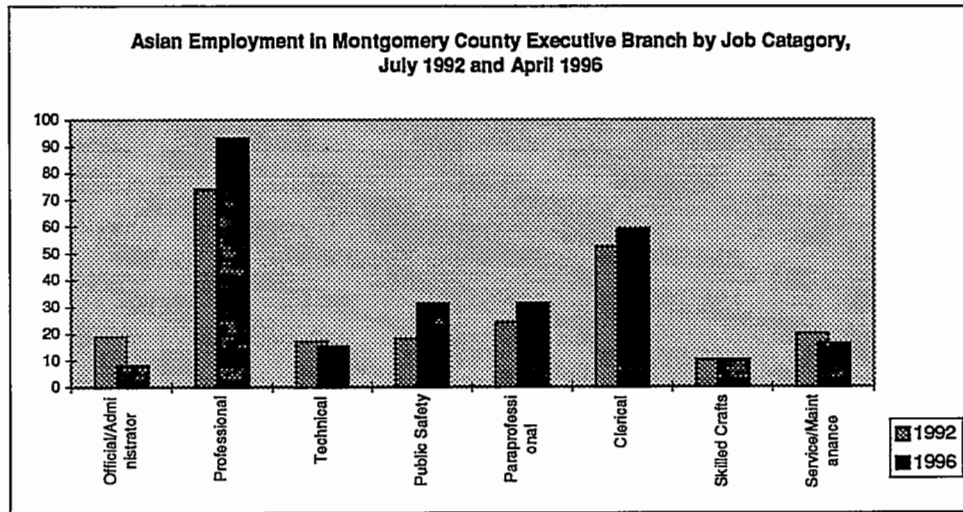
⁷⁰Transcript, pp. 33-4.

Montgomery County Government by Race April 28, 1996 (Permanent Only)



If we narrow our comparison of data from 1992 and 1996 to the changes affecting Asian Pacific Americans, we see the following patterns:

	Official/Administrator	Professional	Technical	Public Safety	Paraprofessional	Clerical	Skilled Crafts	Service/Maintenance
1992	19	74	17	18	24	52	10	20
1996	8	93	15	31	31	59	10	16



06/10/96

G. FEW PRIVATE EMPLOYERS HAVE GLASS CEILING INITIATIVES

The glass ceiling issue did not appear to have been a high priority across top private employers in Montgomery County in 1992, when Maryland Advisory Committee conducted its initial factfinding. The committee searched for a leading example of success among large businesses as a way to learn about measures that worked. The search included the Montgomery County Chamber of Commerce as a primary source of information. Ellen Coren, executive director of the Montgomery County Chamber of Commerce informed the Maryland Advisory Committee,

Glass ceiling issues are issues that the Chamber as an organization is not really familiar with. We haven't taken those issues up, and especially as it regards Asian Americans, we just are not experts in that area.

But this doesn't mean that our members are not interested in those issues, as evidenced by VITRO's comments today. But it certainly has not come to the Chamber's attention specifically.

So I'm happy to be here just to be here for a learning capacity and see what the issues are that we can take back to our membership. That's basically my purpose here today.⁷¹

Ms. Coren, from her significant knowledge of private business in the county, led us to the VITRO Corp. for a leading example of glass ceiling efforts. The VITRO Corp. example is discussed below.

Today's picture among top employers in Montgomery County is unclear from responses to the Maryland Advisory Committee's recent contacts with nine of the top ten private employers. The committee asked the employers for any results of their internal analyses of glass ceiling patterns. None of the companies that responded had specifically analyzed their workforce for glass ceiling effects. Among the reporting companies there were however the following results.

H. TOP MONTGOMERY COUNTY PRIVATE EMPLOYERS (AUGUST 1995)

The Marriott International Corporate Headquarters, ranked third largest with 4,100 employees, reported on its Asian Pacific Americans in the official & manager category.

"This. . . demonstrates that the current Asian Pacific American representation (4.2%) closely mirrors the Montgomery County representation for Asian Pacific Americans (4.5%).

⁷¹ Transcript, p. 40.

06/10/96

Additionally, our representation is greater than the 1990 Census data for managers and administrators in the Washington, DC metropolitan area which is (3.1%) and the United States which is (2.4%).⁷²

Holy Cross Hospital, ranked eighth largest with 2,300 employees, reported, "Holy Cross has not conducted a Glass Ceiling analysis. Therefore, such reports are not available."⁷³ Holy Cross however provided segments of its equal employment opportunity report, Federal form EEO-1. The number of Asian Pacific Americans listed as officials and managers totaled a single person in each year since 1992. In two other key categories, i.e., professionals and technicians, employment levels were similarly stable. In these categories, the pattern was as follows.

Category	1995		1994		1993		1992	
	Total	APA	Total	APA	Total	APA	Total	APA
Officials & Managers	124	1	130	1	121	1	119	1
Professionals	1,090	18	1,041	20	1,046	19	1,025	18
Technicians	258	48	250	15	255	16	274	14

The seventh ranked Montgomery County employer, the National Association of Security Dealers, Inc. (NASD) with 2,500 employees, replied to the committee,

We have not had any glass ceiling analyses for the period 1992 to present, so we are unable to respond to your request. We regret that we cannot be of more assistance to you.⁷⁴

Several of the companies did not provide data, like Holy Cross, or a declaration regarding it, like that from NASD. Among these are the larger companies: top ranked Loral Federal systems (8,000 employees), second ranked Giant Food Corporation (4,500 employees), fourth ranked Comsat Corporation (2,900 employees), sixth ranked GEICO insurance companies (2,500 employees), and ninth ranked Sears (2,000 employees). The Host Marriott

⁷² Dave Sampson, Vice President for Equal Employment Opportunity, Marriott International, letter to Edward Darden, Senior Analyst, U.S. Commission on Civil Rights, Apr. 30, 1996.

⁷³ John E. Kelly, Manager, Employee Relations, Holy Cross Hospital, letter to Edward Darden, Senior Analyst, U.S. Commission on Civil Rights, April 23, 1996.

⁷⁴ Beth E. Weimer, Vice President, Internal Review/EEO, National Association of Securities Dealers, Inc., letter to Edward Darden, Senior Analyst, U.S. Commission on Civil Rights, April 23, 1996.

06/10/96

Corporation that had been ranked fifth largest with 2,800 employees dropped off the listing. A Host Marriott representative explained, "that since our corporate reorganizations in 1993 and 1995, Host Marriott has become a much smaller company than before, and employees less than 200 people in Montgomery County."⁷⁵

I. THE EXAMPLE OF VITRO CORP.

Ms. Tina Cunningham, chief of organizational development and affirmative action, represented the VITRO Corporation, a technical and engineering firm at the Maryland Advisory Committee's factfinding meeting in 1992. Ms. Cunningham put the corporation's Montgomery County workforce at about 1,890 employees.

VITRO had recently reduced its workforce in Montgomery County from a high of 3500 employees a few year before. Ms. Cunningham said that despite a rapidly shrinking work force, VITRO had increased its utilization of Asian Pacific Americans slightly, from 2.5 percent to 3.1 percent.

Noting VITRO's commitment to minority advancement, Ms. Cunningham also explained that much of the company's business is with Federal agencies and the mandate of Executive Order 11246 apply. Complying with Federal equal employment opportunity laws has meant that VITRO's employment profiles show increasing minority utilization. As we noted earlier, Ellen Coren of the Montgomery County Chamber of Commerce considered VITRO "very active" with regards to glass ceiling issues and equal employment opportunity.

Responding to the description of VITRO's corporate approach to the issues, Cunningham said,

Affirmative action is the method by which we achieve the state called equal employment opportunity. And affirmative action means doing more than what's required by the letter of the law. It means acting on the spirit of the law.⁷⁶

There were a few specific steps that had seemed to work well for VITRO's minority recruitment efforts. Ms. Cunningham said that outreach was a key element in any successful affirmative action effort. It was sometimes difficult for the company to find minorities, women and persons with disabilities to fill job

⁷⁵ Stephen J. McKenna, Executive Vice President and General Counsel, Host Marriott Corporation, letter to Edward Darden, Senior Analyst, May 1, 1996.

⁷⁶ Transcript, p. 40.

06/10/96

vacancies and earlier efforts had been disappointing. The company had been contracting for minority applicant recruitment.

The results were disappointingly low, with only 10 resumes collected from Asian Pacific Americans in the previous four and a half years. Although new hires resulted, the pace of recruitment was slow.

VITRO recognized that its outreach efforts needed improvement and initiated an company based minority recruitment program. Some of the activities included aggressive advertising, career fairs, and collaborations with employment agencies. As a result of these new efforts, the number of prospective Asian Pacific American applicants increased from the 10 in four and a half years to 17 identified and interviewed in the 18 months prior to the factfinding meeting. Eight of the 17 interviewees were hired, five of whom were already Montgomery county residents. *consistency?*

A component of the outreach program extended to college campuses. In the two years prior to the factfinding meeting, VITRO's college outreach program led to hiring five Asian Pacific Americans. This represented about 8 percent of some 63 total college hires. All those hired were placed in technical positions however.

VITRO augmented its recruitment thrust with a tracking system and set a goal of following minority employee career development, performance appraisal, also compensation and incentive programs. benefits. The corporation also made a permanent practice of including its EEO staff in a full range of personnel decisions affecting these areas.

Next, the company established an upward mobility program. After an assessment of its promotion patterns, VITRO determined that, like most companies of its size and industry, glass ceilings for minorities and women had formed. They also found that there are multiple ceilings that begin to affect minorities and women at lower levels than generally assumed.

Cunningham identified several existing glass ceilings at VITRO's Montgomery county location. To analyze the situation of minorities, she divided the company's job classifications into two categories, administrative and technical. She continued by designating any minority groups employees who were not part of upper management in the administrative area as below an imaginary glass ceiling. Using this definition, she found that all minority groups were at the middle management level and in the administrative area. On the side with technical positions few minorities had reached middle management at all. None was even a level one supervisor, the lowest supervisory position.

Ms. Cunningham, although finding evidence of glass ceiling at VITRO, compared the profile with Fortune 500 companies and

06/10/96

considered them similar. She also noted that A Report on the Glass Ceiling Initiative⁷⁷, a pilot study published by the U.S. Department of Labor, tracked corresponding patterns among the Nation's top employers.

J. THE LEGACY OF THE FEDERAL GLASS CEILING COMMISSION

The most recent and perhaps most significant effort to study and prepare recommendations on glass ceiling issues has come from the now retired Federal Glass Ceiling Commission that we mentioned above.⁷⁸ Title II of the Civil Rights Act of 1991 created the 21-member, bipartisan Federal Glass Ceiling Commission. Its mission was to study and prepare recommendations concerning-

1. eliminating artificial barriers to the advancement of women and minorities; and
2. increasing the opportunities and development experience of women and minorities to foster advancement of women and minorities to management to management and decisionmaking positions in business.⁷⁹

The Glass Ceiling Commission retired after completing its report in November 1995, leaving a void in the Federal involvement.⁸⁰ The Maryland Advisory Committee considered the Glass Ceiling Commission's parting message to be well worth repeating and a charge to everyone with concerns for enhancing opportunities. Referring to its final report, the Glass Ceiling Commission said,

This recommendations report offers tangible guidelines and solutions on how these barriers can be overcome and eliminated. However the work cannot stop here. This report represents completion of the Commission's legislative

⁷⁷ Nine *Fortune* 500 establishments were selected for review. The companies represented a broad range of products and services and were located in five of the Department of Labor's 10 regions. See note 60, p.3.

⁷⁸ See note 60.

⁷⁹ Public Law 102-166, November 21, 1991.

⁸⁰ The Federal Glass Ceiling Commission issued two reports. The first contains research data from its factfinding and surveys, Good for Business: Making Full Use of the Nation's Human Capital, (Washington, D.C.: GPO, Stock Number 029-016-00157-3, 1994). Its final report presents the recommendations ensuing from the research, A Solid Investment: Making Full use of the Nation's Human Capital, (Washington, D.C.: GPO, Stock Number 029-016-00171-9, 1995).

06/10/96

mandate, but the effort for us individually or for all of us as a nation must continue.⁸¹

The Federal Glass Ceiling Commission's legacy is a comprehensive and through set of recommendations for business, government, and societal actions. The Maryland Advisory Committee noted that several aspects of the VITRO example, namely, leadership commitment to the effort, vigorous and sometimes nontraditional outreach and recruitment, and tracking progress are also features that the Glass Ceiling Commission highlights in its recommendations.

Noting that the glass ceiling is, in the first instance, a business issue, the Glass Ceiling Commission looked to business to make first steps to dismantle barriers within their corporate structures. In sum, the Glass Ceiling Commission recommended that

- Chief Executive Officers (CEO) communicate visible and continuing commitment to workforce diversity throughout the organization.
- Include diversity in all strategic business plans and hold line managers accountable for progress.
- Corporate America use affirmative action as a tools ensuring that all qualified individuals have equal access and opportunity to compete based on ability and merit.
- Organizations expand their vision and seek candidates from non-customary sources, backgrounds and experiences, and that the executive-recruiting industry work with businesses to explore ways to expand the universe of qualified candidates.

Besides the business world, the Glass Ceiling Commission directed specific recommendations for the government action and the addressing the attitudes of society at large. Government was urged to lead by example and become must become a major player in the drive to break the glass ceiling. That leadership should include vigorous and consistent law enforcement, collection and analyze employment-related data for effects on each minority group, and reporting and dissemination of information relevant to glass ceiling issues.

The Glass Ceiling Commission recognized that societal attitudes can not be dictated, mandated or legislated. The role of prejudice is so basic to biased behavior that the Glass Ceiling Commission called on the nation's media and others to assist with the work of challenging constitutive racism.

⁸¹ See note 61, p. 55.

06/10/96

The fight against racism was quite prominent in the programs of the Montgomery County Human Relations Commission and described by Mr. DuThinh as follows,

The Office of Human Relations Commission does acknowledge that racism and discrimination still exists in our society. To combat these problems, among other activities, our efforts include:

Education through speaking engagements and workshops.

Intervention in communities experiencing tension from prejudice, provocation and harassment.

Recruitment, training and coordination of the network of neighbors, network of teens, a county wide support effort for victims of hate and violence.

Implementation of training programs for other agencies concerning hate and violence, sexual harassment and human relations.

We also have the Partnership Fund to provide compensation to victims of hate and violence for the restoration and replacement of the victim's property.

The Human Relations Camp Program for high school students from diverse racial, religious and ethnic backgrounds to increase understanding and tolerance within the Montgomery County community.

And last but not least, the Language Minority Program to help the police officers to have a good understanding about minority students, and minority students to know about police work and police officers as people.

That's what our office has as programs and we also recommend to the Commission as well.⁸²

VIII. AGENCIES OUTREACH AND LIAISON—WHAT WORKS?

A. THE MONTGOMERY COUNTY HUMAN RELATIONS COMMISSION AT WORK

The Maryland Advisory Committee gathered a panel of key Montgomery County agencies to discuss the issues at its factfinding meeting. The panelists, Mr. Cuong DuThinh, representing Montgomery County Human Relations Commission; Chief Clarence Edwards, Chief of Police for the Montgomery County Police Department; and Dr. Oliver Lancaster, director, Office of Human Relations, Montgomery County Public Schools noted that their agencies received few if any complaints directly from Asian Pacific Americans. Mr. DuThinh, who also served as the Human

⁸² Transcript, p. 55-6.

06/10/96

Relations Commission's liaison to the Asian Pacific American community clarified the complaints picture with some details.

The Human Relations Commission is the primary source for information on hate violence in Montgomery County, and is the repository for hate crime statistics. Mr. DuThinh reported that a total of 195 hate incidents were reported in 1991. The number of complaints filed by Asian Pacific Americans was 9 reports or 0.5 percent of the total. In the first half of 1992, the number of complaints increased moderately over the same period in the previous year but incidents involving Asian Pacific American were much higher (16 reports), nearly doubling the previous annual total (9 reports) by July 1992.

Mr. DuThinh was convinced that numbers of Asian Pacific Americans are victims of hate and violence but do not report it. He attempted to put into context the behavior of the Asian Pacific Americans, who do not seek civil rights protection. He noted that Asian Pacific Americans are often offended by the insensitivity they see in society and shun it—despite their ethnic differences. Asian Pacific Americans others perceive them as all alike, foreign born, inarticulate in English, and beneficiaries of preferential treatment and financial aid from government.

The unmet needs of the Asian Pacific American community were of concern to the panel. The Human Relations Commission's Multicultural Office worked to address these needs. The office held occasional community workshops and disseminated information about the agency's assistance to victims of hate crimes. Also training groups leading to establishing neighborhood networks and teen networks for community education and youth counseling. And, there is the Language Minority Program. In cooperation with the Montgomery County Police Department, this program educates police officers and minority students about one another as people.

B. COMMUNITY OUTREACH BY MONTGOMERY COUNTY POLICE CHIEF

Police Chief Clarence Edwards was entering a second year as chief of the Montgomery County Police Department in 1992. The police department was recruiting members of all racial groups to enhance the department's responsiveness to the changing needs of the community. There had been a total of 56 new hires in July 1992 (16 white males, 13 white females; 15 black males, no females; 5 Asian males, no females; and 2 Hispanic males, no females). The 5 new hires increased the total for Asian Pacific American officers to 13 officers (12 males, 1 female), or 1.3 percent of the total police force. Chief Edwards said that these officers will be assigned patrol duty, where they will be a visible presence in the community.

Chief Edwards said that he became personally involved with the

06/10/96

recruitment effort in the Asian Pacific American community, and became a member of the Organization of Chinese Americans to expand his contacts. Chief Edward said that he encouraged every district commander to become active in the Asian community and all other communities in the county. He also authorized funds to produce targeted bilingual recruitment announcements for use on broadcast media,

As a means of communicating our sincerity in recruitment efforts. We recognize that language is a barrier and we know as a police department we cannot be effective if we do not have people who have certain foreign language capabilities, as well as having an understanding of the various different cultures that police officers in this county are going to be encountering.⁸³

Chief Edwards sees the task of community policing as one that requires police officers to be well informed on several levels. To make the officers more accessible to Asian Pacific Americans, the police department offered language training and encouraged enrollment in classes in area schools and colleges. The county itself provided 4.5 hours on human relations, through Montgomery County Human Relations commission and 3.5 hours on cultural diversity training, provided by the police department during police cadet training. Chief Edwards said, ". . .that's an inadequate amount of training, so I'm going to do everything that I can to increase the training."⁸⁴

A new police department initiative was underway to assist Asian Pacific Americans in the county. Using the Wheaton-Glenmont District as an example, Chief Edwards he said that routine scooter/walking patrols had been added in business districts. Also the officers take care to develop relationships with Asian Pacific American businessmen there. Crime Watch Groups had been established in neighborhoods with population concentrations of Asian Pacific Americans. A priority has been put on preventing residential burglary, a prevalent crime affecting the Asian Pacific American community, and apprehending perpetrators. An all volunteer group, with police department support, has been set up to counsel and assist Asian Pacific American crime victims. Efforts are also underway to develop a police-Asian Pacific American community intelligence network, that may help to reduce crime.

Chief Edwards believes that the police department needs to help dispel misconceptions and fears that may exist about the role of police in American society and specifically about the intentions

⁸³ Transcript, p.59.

⁸⁴Transcript, p. 62.

of the county department. As part of this effort, he scheduled tours of police stations for members of the Asian Pacific American community. The tours attracted as many as 200 persons in Wheaton, and are continuing across the county.

C. MONTGOMERY COUNTY PUBLIC SCHOOLS—WORKING IN PARTNERSHIPS ←

Dr. Oliver Lancaster, Director of the Office of Human Relations, Montgomery County Public Schools described the partnerships the schools had entered and was seeking to augment "the paucity of resources these days".⁸⁵ Dr. Lancaster said,

During the last several years the Montgomery County Public Schools had made a significant effort to directly address the matter of total inclusion of the Asian Community. . . .Asian civic and support groups have been invaluable in dealing with the matters of tension, involvement in problem-solving at MCPS.

The support of Mr. Cuong of the Human Relations Commission, Phsong Tran of the county Multicultural staff, have been constant resources and they provide us with guidance and counseling in identifying issues and in addressing those issues.

The groups like the Korean schools and churches, the Organization of Chinese Americans, the Vietnamese Mutual Association, Pan Asian Women, Asian American Educators Association and other groups that work with our schools and the Board of Education administration are without a doubt absolutely necessary for us.

It is my considered opinion that there is no way that the public schools can continue to make any significant impact on improving relationships and developing strategies for problem-solving without direct involvement of well placed Asian staff members in partnership with other members of the staff and the community.⁸⁶

Regarding the frequency of serious incidents, Dr. Lancaster did not report any hate crimes in the schools. For more than two years, there had been only "very rare"⁸⁷ cross-cultural incidents involving Asians Pacific Americans.

The cross-cultural incidents illustrate many of the problematic aspects of intergroup relations for some Asian Pacific American youngsters. Dr. Lancaster reported that a number of boys had engaged in several school fights. The flare ups involved some

⁸⁵ Transcript, p. 54.

⁸⁶ Transcript. pp. 55-6.

⁸⁷ Transcript, p. 55.

Asian American boys against some African American and Caucasian boys on the other side. On reflection, he considered the problem to be largely due to poor orientation about life in MCPS on the part of the Asian American students. This problem was exacerbated by a lack of knowledge of Asian American community ways and the students' perspectives by the larger school population, both student body and adults.

The principal addressed the situation aggressively and the problem subsided almost immediately, and both sides were willing to communicate and resolve their differences.⁸⁸

A lack of perspective on Asian Pacific American culture by school administrators and teachers also brought problems among Asian Pacific American students. Dr. Lancaster's office had been involved in several such cases. In one instance, a shop teacher had placed two Asian Pacific American boys at the same work station. They were new to the country and unfamiliar with school procedures. The teacher had not asked about the background or orientation of the boys, another example of overlooking distinctions among Asian Pacific Americans. The arguments and fighting between the boys that ensued, perhaps would not have been understood had not someone familiar with the Asian Pacific American community brought to the attention of the teacher that one boy was Cambodian and the other Vietnamese. The teacher had inadvertently matched students with opposing highly developed political ideologies. Dr. Lancaster said,

This concern about individual and cultural uniqueness is serious. We're often informed of students having their feelings hurt, even to tears, because a teacher or bus driver or other students have called them Chinese when they may have been Filipino or Japanese when they may have been Korean, et cetera.

This problem creates tensions, misunderstandings, damages egos and can lead to unnecessary conflict and distress. The problem can, of course, be ameliorated with better education of all adults and students. The concern of recognizing uniqueness is not limited to the Asian community. None of these problems, of course, are.

I have found in discussions with Asian students that they can easily get caught in the middle of traditional white/black conflicts. Some Asian students have been hurt because they are accused on one side of trying to be black and on the other side of trying to be white.

This situation is often frustrating and confusing, especially to students at the secondary level.⁸⁹

⁸⁸ Transcript, p. 56.

⁸⁹ Ibid.

06/10/96

59

Employment of Asian Pacific Americans in Montgomery County schools stood at 0.9 percent of administrators and the 1.7 percent of teachers, according to Dr. Lancaster, whose office also handled equal employment opportunity complaints for the school system. The study population was 13 percent Asian Pacific American.

IX. WHAT NOW?—OUR ADVICE TO THE COMMISSIONERS

A. CONCLUSIONS

The Maryland Advisory Committee gathered information on several civil rights issues during its factfinding project, namely,

- Asian Pacific Americans perspectives on racial and cultural bias,⁹⁰
- local civil rights enforcement efforts,⁹¹
- signs of glass ceiling in government and business employment,⁹²
- assistance needs of Asian Pacific American women⁹³
- handling racial tensions in secondary schools,⁹⁴
- and police-community relations with the Asian Pacific American community.⁹⁵

Be on ~~Having heard presentations at our factfinding meeting and gathered supplementary information on the subject,~~ the committee concludes that Asian Pacific Americans in Montgomery County have experienced and probably continue to have civil rights problems.

The Maryland Advisory Committee also concludes that these civil rights problems require immediate attention and appropriate responses by Montgomery County government. Although Montgomery County was our focal point for factfinding on Asian Pacific Americans in Maryland, the county's experience can also serve as a point of reference for Statewide actions. Political leadership from the Governor is essential to achieving comprehensive benefit from the lessons learned in Montgomery County.

⁹⁰ See sections V-VII.

⁹¹ See sections VII-VIII

⁹² See sections V-VIII.

⁹³ See sections V-VI.

⁹⁴ See section VIII.

⁹⁵ See section VIII.

B. ADVICE TO THE COMMISSIONERS

1. *County and State Offices Need To Expand Their Community Relations Efforts*

While several efforts have been made to establish community liaison,⁹⁶ portions of the Asian Pacific American community in Montgomery County do not receive the benefits of government services and protection.⁹⁷ Much of the problem results from language barriers—even for many who speak English very well—that create uncomfortable reactions and reluctance to avail themselves of services from government offices.⁹⁸

The experience of some Montgomery County executives has shown that applying cultural sensitivity, and where necessary the resources of interpreters or liaison persons, has produced significant and immediate results.⁹⁹ The Montgomery County Executive's Office has liaison officers, including one to the Asian Pacific American community, and the County Executive meets personally and frequently with an informal council of Asian Pacific American community leaders.¹⁰⁰ The Maryland Advisory Committee believes that these and other outreach efforts can be expanded into other areas of county government.

2. *Call for Annual Reports on Civil Rights*

The Maryland Advisory Committee initiated *is* project in part because no other agency produced information focused on Asian Pacific Americans and their community concerns.¹⁰¹ There should be a focus on civil rights concerns in Montgomery County that looks separately at each minority group. We believe that an annual report on civil rights developments submitted to the people of Montgomery County by the County Executive is a good way to focus public attention on these matters.

⁹⁶ See section VIII.

⁹⁷ See sections V-VIII.

⁹⁸ See sections V-VIII.

⁹⁹ See section VIII.

¹⁰⁰ See section VIII.

¹⁰¹ See section III.

3. Response Needed on Domestic Violence

A single instance of avoidable domestic violence is too much and sometimes a signal of greater undetected problems. The Maryland Advisory Committee learned that a few Asian Pacific American women, particularly among new immigrants, are fearful for their safety but locked into potentially abusive settings by traditional values and financial dependence.¹⁰² Montgomery County should take every precaution against domestic violence against Asian Pacific American women and make certain that relevant services reach women in these communities.

4. Government and Business Employers Need to Lead the Effort to Crack the Glass Ceiling

The Maryland Advisory Committee learned that some Asian Pacific American do not believe that the glass ceiling pattern has hampered their careers.¹⁰³ The data suggest that however fortunate they might have been there are perhaps others whose careers have been affected by subtle prejudice and glass ceiling.¹⁰⁴ We believe that the Montgomery County Executive should do more to fulfill the county's equal employment opportunity goals with respect to Asian Pacific American at all levels of the work force. The benefits of cracking the glass ceiling are potentially significant for the quality of life in Montgomery County. The Montgomery County government should lead the way by its actions.

5. Study the Impact of Limited English Proficiency

The Maryland Advisory Committee heard that language is a barrier in many areas of daily life for increasing numbers of Asian Pacific Americans.¹⁰⁵ Montgomery County government and private industry should join in partnership to study whether or to what extent English fluency is a barrier to equal opportunity for Asian Pacific Americans and what strategies that would reduce the barriers.

6. State Action Needed to Raise Public Awareness

As we mentioned, the State Government has a role in addressing the civil rights issues facing Asian Pacific Americans in

¹⁰² See section VI.

¹⁰³ See section VI-VII.

¹⁰⁴ See sections II, VII-VIII.

¹⁰⁵ See sections II, VI-VIII.

06/10/96

Maryland. The Maryland Advisory Committee believes that the Governor and State Assembly should work together to establish a task force on the status of Asian Pacific Americans in Maryland and most importantly align resources as necessary to support these actions.

X. APPENDICES

A. AFFILIATES OF THE ASIAN PACIFIC AMERICANS HERITAGE COUNCIL

Asians in the United States: A Brief History

The first Asians to arrive in the United States in large numbers were the Chinese, who came to work on Hawaiian plantations by the 1840s and to the West Coast of the mainland starting in the early 1850s to work in gold mines and later to help build the cross-country railroads. The Chinese were followed in the late 19th and early 20th centuries by Japanese and Filipinos and, in smaller numbers, by Koreans and Asian Indians. Restrictive immigration laws produced a 40-year hiatus in Asian immigration starting in the 1920s, but in 1965, when anti-Asian immigration restrictions were liberalized, a new wave of immigration began bringing people from Southeast Asia, China, Korea, the Philippines, and other Asian countries to the United States.

The history of Asian Americans in this country is replete with incidents of discrimination against them. Asian Americans experienced, at one time or another, discriminatory immigration and naturalization policies; discriminatory Federal, State, and local laws; discriminatory governmental treatment; considerable prejudice on the part of the general public; and outright violence. Not only was today's Asian American community shaped by historical forces, but today's civil rights issues need to be viewed in the context of past discrimination against Asian Americans.

Naturalization and Immigration Laws

Throughout most of their history in this country Asians have been victimized by discriminatory naturalization and immigration laws. These laws have had the legacy of making Asian American newcomers feel unwelcome in their adopted country and have also been important in shaping the Asian American community as it exists today.

As this country became a nation, its founders sought to restrict eligibility for citizenship. In 1790 Congress passed a law limiting naturalization to "free white persons."⁵ The law was modified in 1870, after the adoption of the 14th amendment, to include "aliens of African nativity and persons of African descent." At that time Congress considered and rejected extending naturalization rights to Asians,⁶ thus making Asian immigrants the only racial group barred from naturalization.⁷ Because the 14th amendment granted citizenship to all persons born in the United States, however, the American-born children of Asian immigrants were citizens. Filipinos and Asian Indians were granted eligibility for naturalization in 1946,⁸ but it was not until 1952, with the McCarran-Walter Act,⁹ that naturalization eligibility was extended to all races.¹⁰ Thus, through most of this country's history, immigrant Asians were ineligible to become citizens.

Despite these anti-Asian naturalization laws, immigrants came to the United States from sev-

5 U.S. Commission on Civil Rights, *The Tarnished Golden Door: Civil Rights Issues in Immigration* (September 1980), p. 10 (hereafter cited as *The Tarnished Golden Door*).

6 Roger Daniels, *Asian America: Chinese and Japanese in the United States Since 1850* (Seattle, WA: University of Washington Press, 1988), p. 43 (hereafter cited as *Asian America*).

7 These laws were widely held to bar the naturalization of the Chinese. In 1922 the Supreme Court held that the naturalization bar applied to Japanese (*Ozawa v. United States*, 260 U.S. 178 (1922)). The following year, the Supreme Court held that East Indians were also barred from naturalization, because the term "white" did not include all Caucasians (*United States v. Thind*, 261 U.S. 204 (1923)).

8 *The Tarnished Golden Door*, p. 10.

9 Pub. L. No. 82-414, 66 Stat. 163 (1952).

10 Don Teruo Hata, Jr., and Nadine Ishitani Hata, "Run Out and Ripped Off: A Legacy of Discrimination," *Civil Rights Digest*, vol. 9, no. 1 (Fall 1976), p. 10 (hereafter cited as "Run Out and Ripped Off").

eral Asian countries starting in the mid-19th century. As each successive Asian group arrived in this country, increasingly harsh immigration laws restricting the group's immigration were imposed. The first immigration ban was against the Chinese. In the 1850s Chinese immigrants began coming to the United States mainland to work in California's gold mines and quickly spread to mining in other Western States as well. Later, they played an essential role in building this country's transcontinental railroads. After the railroads were completed in 1869, jobs became scarcer on the West Coast, and worker resentment of the low wage rates accepted by Chinese workers intensified. Pressure built to limit the immigration of Chinese, culminating with the passage of the Chinese Exclusion Act in 1882,¹¹ which suspended the immigration of Chinese laborers for 10 years.¹² In 1892 the Geary Act¹³ extended the immigration ban for another 10 years and required Chinese living in the United States to obtain "certificates of residence" to prove that they were legal residents.¹⁴ In 1904 the Chinese immigration ban was extended indefinitely.¹⁵ Since the Chinese living in this country were predominately male, the result of these immigration restrictions was that the Chinese population in the United States declined from 105,465 in 1880 to 61,639 by 1920.¹⁶

Shortly after Chinese immigration was halted by the Chinese Exclusion Act, a new wave of Asian immigration began, this time from Japan. Although a few Japanese had immigrated to Hawaii in the 1870s and 1880s, Japanese did not come to the mainland in noticeable numbers until the 1890s.¹⁷ At first largely urban, the Japanese soon became engaged predominantly in agricultural pursuits and related trade.¹⁸

Although the number of Japanese in this country was not large (fewer than 25,000 in the 1900 census),¹⁹ pressure soon developed on the West Coast to restrict Japanese immigration. In response to this pressure, the Japanese Government, fearing a loss of international prestige if U.S. immigration laws banned Japanese immigration, negotiated the Gentleman's Agreement²⁰ with President Theodore Roosevelt in 1907.²¹ According to this agreement, the Japanese Government would voluntarily restrict the emigration of unskilled Japanese to the United States. In return, the parents, wives, and children of Japanese already in the United States would be allowed entrance. Unlike the Chinese Exclusion Act, the Gentleman's Agreement permitted the entrance of large numbers of Japanese "picture brides."²² As a result, the Japanese population in the United States, initially much smaller than the Chinese population, grew from

11 Ch. 126, 22 Stat. 58 (1882).

12 *The Tarnished Golden Door*, p. 8. In 1888 the Scott Act widened the immigration ban to all Chinese except for officials, merchants, teachers, students, and tourists. The Scott Act also denied reentry to any Chinese who had left the United States, even though the Chinese Exclusion Act had allowed reentry of all Chinese who had been in this country in 1880. *Ibid.* and *Asian America*, p. 57.

13 Ch. 60, 27 Stat. 25 (1892).

14 *Asian America*, p. 58.

15 Ch. 1630, 33 Stat. 428 (1904); *The Tarnished Golden Door*, p. 8. As noted below, the ban was eventually lifted in 1943.

16 Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little Brown, 1989), pp. 111-12 (hereafter cited as *Strangers from a Different Shore*).

17 *Asian America*, pp. 101-02.

18 *Ibid.*, p. 107.

19 *Ibid.*, p. 115.

20 Exec. Order No. 589.

21 *Asian America*, p. 125.

22 *Ibid.*, pp. 125-27.

roughly 25,000 in 1900 to almost 127,000 in 1940, far exceeding the 1940 Chinese population of roughly 78,000.²³

Asian immigration was further limited by the Immigration Act of 1917,²⁴ which banned immigration from all countries in the Asia-Pacific Triangle except for the Philippines, a U.S. territory, and Japan.²⁵ Japanese immigration was subsequently limited by the Immigration Act of 1924.²⁶ This act restricted annual immigration from all countries to 2 percent of the countries' national origin populations living in the United States in 1890, with an overall cap of 150,000, and also specifically banned immigration of persons who were ineligible for citizenship, i.e., Asians.²⁷ Since immigration from all other Asian countries had already been halted, this provision appeared to be targeted at the Japanese.

The immigration to the U.S. mainland by Filipinos, largely laborers, which had begun just after 1900, increased substantially in the 1920s as demand for their labor increased, at least in part as a result of the exclusion of the Japanese.²⁸ Filipinos spread across the country quickly, most of them working in agriculture and in domestic service.²⁹ Immigration from the

Philippines, a U.S. territory, continued apace until a few years before the Tydings-McDuffie Act of 1934,³⁰ which gave the Philippines Commonwealth status and defined Filipinos not born in the United States as aliens. The Tydings-McDuffie Act placed a quota of 50 immigrants per year on immigration from the Philippines³¹ and did not allow the families of resident Filipinos to immigrate.³² One year later, the Repatriation Act³³ authorized funds to pay for one-way tickets back to the Philippines for resident Filipinos, provided that they agreed not to return to the United States. Only 2,000 Filipinos took advantage of this offer, however.³⁴

The discriminatory immigration laws were relaxed slowly starting in 1943, when the Chinese Exclusion Act was repealed³⁵ and an annual quota of 105 Chinese immigrants was set.³⁶ The Filipino and Indian quotas were increased by presidential proclamation in 1946.³⁷ The 1945 War Brides Act³⁸ permitted the immigration of Asian (and other national origin) spouses and children of American servicemen.³⁹ It was only in 1952 that the McCarran-Walter Act ended the ban on Asian immigration and for the first time in American history granted Asian im-

23 Ibid., p. 90 and p. 115.

24 Pub. L. No. 301, 39 Stat. 874 (1917).

25 *Asian America*, p. 150.

26 Pub. L. No. 139, 43 Stat. 153 (1924).

27 Except for Filipinos, who, as residents of a U.S. territory, were United States nationals.

28 *Strangers From a Different Shore*, pp. 57-58.

29 Ibid., pp. 316-19.

30 Ch. 84, 48 Stat. 459 (1934).

31 State of California, Attorney General's Asian/Pacific Advisory Committee, *Final Report* (December 1988), p. 38 (hereafter cited as Attorney General's Report).

32 *Strangers From a Different Shore*, p. 337.

33 Pub. L. No. 202, 49 Stat. 478 (1935). The time in which Filipinos could "benefit" from the statute was extended in Congress' next session. Pub. L. No. 645, 49 Stat. 1462 (1936).

34 *Strangers From a Different Shore*, pp. 332-33.

35 Pub. L. No. 199, 57 Stat. 600 (1943).

36 *The Tamished Golden Door*, p. 10.

37 Proc. 2696, 3 C.F.R. 86 (1946).

38 Pub. L. No. 271, 59 Stat. 659 (1945).

39 *The Tamished Golden Door*, p. 10.

migrants naturalization rights. The act, however, retained the national origins system established in the Immigration Act of 1924.⁴⁰ Since very few Asians (apart from Chinese) resided in the United States in 1890, this provision effectively continued discrimination against Asian immigration.⁴¹ It was not until 1965 that amendments to the McCarran-Walter Act⁴² replaced the national origins system with a fixed annual quota of 20,000 per country, permitting a sizable Asian immigration.⁴³ The 1965 amendments retained a preference for highly skilled workers first introduced in the 1952 act.⁴⁴

Beginning in the late 1960s, the opening of the doors to Asian immigrants produced a second major wave of Asian immigration. Many of these new immigrants were highly educated professionals as a result of the preference system for skilled workers. In the 1970s and early 1980s immigration from Asia intensified, as Southeast Asian refugees came to this country as a result of upheavals in Southeast Asia brought on by the Vietnam War. Over 400,000 Asians came to the United States during the 1960s, and Asians constituted roughly 13 percent of all immigrants during the decade. During the 1970s Asian immigration increased to roughly 1.6 million, constituting 36 percent of all immigration.⁴⁵ Asian immigration continued apace into the 1980s. The second wave of Asian immigration was

heavily Filipino, Korean, and Southeast Asian, and to a lesser extent Chinese and Indian. Japanese immigrants continued to come, but in much smaller numbers than the other groups.

The net effect of the changing immigration and naturalization policies towards Asians is that some Asian Americans, predominantly Japanese Americans and to a lesser extent, Chinese Americans,⁴⁶ have been here for generations, while a great number of Asian Americans are immigrants (many of whom entered the United States after 1965) or their children.

Anti-Asian Bigotry and Violence

Bigotry and violence against Asians began almost as soon as Asians arrived in this country, making Asian Americans feel that they were unwelcome outsiders in the United States. As early as the late 1840s, the Know-Nothing Party, which was largely anti-Catholic in the Eastern United States, promoted anti-Asian sentiments in the Western United States.⁴⁷ In the 1860s and 1870s, before the Chinese Exclusion Act, many unions and political parties in the West adopted anti-Chinese platforms. In 1862 anti-Coolie clubs formed in San Francisco and spread to other cities in California.⁴⁸ In 1870 a large-scale "anti-Oriental" mass meeting took place in San Francisco,⁴⁹ and several California unions, including the Knights of St. Crispin, "organized on

40 Ibid., p. 11.

41 Ibid., p. 11. Another provision of the McCarran-Walter Act counted persons of half-Asian descent against the quotas for their Asian country of origin.

42 Pub. L. No. 89-236, 79 Stat. 911 (1965).

43 E. P. Hutchinson, *Legislative History of American Immigration Policy: 1798-1965* (Philadelphia: University of Pennsylvania Press, 1981), pp. 369-78.

44 Ibid., pp. 308-09, 377-78.

45 U.S. Commission on Civil Rights, *The Economic Status of Americans of Asian Descent: An Exploratory Investigation* (Clearinghouse Publication 95, October 1988), p. 19 (hereafter cited as *The Economic Status of Americans of Asian Descent*).

46 As noted above, because the 19th century Chinese immigrants were heavily male, the Chinese American population fell precipitously after the Chinese Exclusion Act of 1882, and only a small proportion of today's Chinese Americans are descendants of the early Chinese immigrants.

47 *The Tarnished Golden Door*, p. 7.

48 *Asian America*, p. 36.

an anti-Chinese basis."⁵⁰ By 1871 both the Democratic and Republican parties in California had adopted platforms opposing Chinese immigration,⁵¹ and both national parties had anti-Chinese resolutions in their platforms in the years 1876, 1880, 1888, and 1904.⁵²

Anti-Chinese sentiments were propagated by the Western media, joined occasionally by the eastern press. For example, the *New York Times* warned:

We have four millions of degraded negroes in the South. We have political passion and religious prejudice everywhere. The strain upon the constitution is about as great as it can bear. And if, in addition, to all the adverse elements we now have, there were to be a flood-tide of Chinese population—a population befouled with all the social vices, with no knowledge or appreciation of free institutions or constitutional liberty, with heathenish souls and heathenish propensities, whose character, and habits, and modes of thought are firmly fixed by the consolidating influence of ages upon ages—we should be prepared to bid farewell to republicanism and democracy.⁵³

The anti-Chinese sentiments of western workers erupted into violence in the 1870s. In October 1871 roughly 20 Chinese were massacred in Los Angeles by a white mob who also burned and looted their homes and stores.⁵⁴ In 1877 a similar incident occurred in San Francisco's Chinatown, and in Chico, California, five Chinese farmers were murdered.⁵⁵ The violence spread to other Western States in the 1880s. There were anti-Chinese riots in Denver

and Rock Springs, Wyoming, and the cities of Seattle and Tacoma chased their Chinese residents out of town. In 1887, 31 Chinese miners were "robbed, murdered, and mutilated" in the Snake River (Oregon) Massacre.⁵⁶

After the Chinese Exclusion Act of 1882, anti-Asian sentiments were directed against the Japanese, and later, at the Filipinos. In the early 1900s, many white workers began to resent competition from Japanese workers, and in 1905 delegates from more than 67 labor organizations formed the Asiatic Exclusion League in San Francisco.⁵⁷ The Asiatic Exclusion League spoke of the "yellow peril" and the "Asiatic horde" threatening to invade the United States.⁵⁸ Like the Chinese before them, the Japanese and the Filipinos were shunned. Anti-Filipino race riots broke out in 1928 and 1930 in Washington and California. In California, the rioting that took place in Watsonville was prompted by press coverage of the arrest of a Filipino man for walking with a white girl to whom he was engaged.⁵⁹

State and Local Anti-Asian Laws

Although United States immigrants of many ethnic groups (for instance, Irish, Jews, and Italians) have experienced bigotry and violence akin to that experienced by Asian Americans, Asian Americans share with American blacks the distinction of having been the targets of widespread legal discrimination that hindered their

49 "Run Out and Ripped Off," p. 5.

50 *Asian America*, p. 38.

51 *Ibid.*, p. 37.

52 *Ibid.*, p. 45.

53 "Growth of the United States Through Emigration—The Chinese," *New York Times*, Sept. 3, 1865, p. 4.

54 "Run Out and Ripped Off," p. 5.

55 Attorney General's Report, p. 34.

56 *Asian America*, pp. 60-64.

57 "Run Out and Ripped Off," p. 7.

58 Attorney General's Report, pp. 34-35.

59 *Strangers From a Different Shore*, pp. 326-30.

ability to participate fully in the American dream.

The strong anti-Asian sentiments in the Western States led to the adoption of many discriminatory laws at the State and local levels, similar to those aimed at blacks in the South. Many of these laws took advantage of the discriminatory aspect of naturalization laws by restricting the rights of persons "ineligible to become citizens," i.e., Asians.⁶⁰ In addition, segregation in public facilities, including schools, was quite common until after the Second World War.

As early as the 1850s laws discriminatory against the Chinese were enacted by the State of California. In 1852 California imposed a "foreign miner's tax" of \$3 for any miner who was not an intending citizen.⁶¹ In 1855 California imposed a tax on ships landing at California ports amounting to \$50 per disembarking passenger ineligible to become a citizen, and in 1858 California temporarily prohibited Chinese from landing in California altogether.⁶² In 1862 California passed a head tax of \$2.50 per month on most Chinese living in the State.⁶³

In 1880 California enacted a miscegenation law prohibiting whites from marrying "negro, mulatto, or Mongolian."⁶⁴ After a Filipino successfully argued his right to marry a white woman in court on the basis that Filipinos are Malay and not Mongolian, the legislature extended the marriage prohibitions to Filipinos in 1933.⁶⁵ Laws prohibiting intermarriage between

Asians and whites were widespread in other States as well.⁶⁶

Whereas the earlier California anti-Asian laws were targeted at the Chinese, the 1913 Alien Land Law was targeted at Japanese farmers. This law prohibited persons ineligible to become citizens from purchasing land in the State of California and limited lease terms to 3 years or less. Many Japanese got around this law by leasing or purchasing land in the name of their American-born children.⁶⁷ To close the loopholes in the 1913 law, a stricter law was passed in 1920 preventing Japanese immigrants from acting as guardians for minors in matters pertaining to land ownership and also prohibiting them from leasing land.⁶⁸ Other States also had similar laws preventing Asian immigrants from owning land.⁶⁹

Local laws were also discriminatory. For example, the city and county of San Francisco passed ordinances that were apparently race neutral but that had adverse impacts on Chinese residents. As a case in point, in 1873 the city of San Francisco passed the Laundry Ordinance, which imposed a tax on laundries of \$1.25 on a laundry employing one horse-drawn vehicle, \$4 on a laundry employing two horse-drawn vehicles, and \$15 on laundries employing more than two horse-drawn vehicles. The ordinance also imposed a \$15 tax on a laundry that had no horse-drawn vehicles at all.⁷⁰ This law was clearly targeted at the Chinese, since virtually no Chinese laundries operated horse-drawn vehi-

60 See above discussion of naturalization laws that made Asians ineligible to become citizens.

61 "Run Out and Ripped Off," p. 4. Price levels have increased by a factor of 10 since the mid-19th century, so a tax of \$3 in 1850 would be equivalent to a tax today of \$30.

62 Ibid. pp. 4-5.

63 *Strangers from a Different Shore*, p. 82.

64 Ibid., pp. 101-02.

65 Ibid., p. 330.

66 Ibid.

67 *Asian America*, pp. 139-44.

68 Ibid., pp. 145-47.

69 For example, the State of Washington also had such a law. Ibid., pp. 146-47.

70 A \$15 tax is the equivalent of roughly \$150 in today's dollars.

cles.⁷¹ In a similar vein, San Francisco passed the Cubic Air Ordinance, requiring that living spaces have at least 500 cubic feet of space per person, and this law was only enforced in Chinatown.⁷²

Asians often fought both State and local laws in the courts. Sometimes they were successful, but the courts were also discriminatory. For example, in 1854 the California Supreme Court decided in the case of *People v. Hall*⁷³ that Chinese could not testify against whites in court. Hall, a white man, had been convicted of murdering a Chinese man on the basis of testimony by one white and three Chinese witnesses. The supreme court overthrew his conviction, ruling that the Chinese witnesses should not have testified based on a State law that did not allow blacks, mulattos, or Indians to testify in favor of or against whites in court.⁷⁴ The wording of the decision illustrates the degree of racial bigotry against Asians even among those in the judiciary:

Indian as commonly used refers only to the North American Indian, yet in the days of Columbus all shores washed by Chinese waters were called the Indies. In the second place the word "white" necessarily excludes all other races than Caucasian; and in the third place, even if this were not so, I would decide against the testimony of Chinese on grounds of public policy.⁷⁵

Despite the discriminatory tendencies of the courts, Chinese residents of San Francisco successfully fought the discriminatory enforcement

of San Francisco's Laundry Ordinance, passed in 1880, which governed the sites and manner of laundry operations. Their fight led to the United States Supreme Court landmark decision, *Yick Wo v. Hopkins*.⁷⁶ In the early 1880s there were about 320 laundries in San Francisco. Of these, about 240 were owned and operated by Chinese residents, and about 310 were constructed of wood, as were about nine-tenths of the houses in the city of San Francisco at that time. The Laundry Ordinance prohibited wood construction for laundries, since wood construction purportedly constituted a fire and public safety hazard. In 1885, upon expiration of his business license, Mr. Yick Wo, who had operated a laundry at the same site for 20 years, applied for a renewal of his business license but was turned down because his building was of wood construction. Subsequently, he was found guilty of violating the Laundry Ordinance and imprisoned. Two hundred other Chinese laundries were also denied license renewals, although all had operated at the same sites for over 20 years. In contrast, all license renewal applications by non-Chinese laundries (even those with wooden buildings) were approved. In 1886 the United States Supreme Court ruled in favor of plaintiff Yick Wo in *Yick Wo v. Hopkins*, reasoning that:

The effect of [such selective enforcement]. . . would seem to be necessarily to close up the many Chinese laundries now existing, or compel their owners to pull down their present buildings and reconstruct of brick or stone. . . . [It] would be little short of absolute confiscation of the large amount of property. . . . If this

71 "Run Out and Ripped Off," p. 5.

72 *Asian America*, p. 39.

73 4 Cal. 309 (1854).

74 "Run Out and Ripped Off," p. 4.

75 *Asian America*, p. 54.

76 118 U.S. 356 (1886). The case was a landmark decision for several reasons: 1) it brought heightened scrutiny to cases involving improperly motivated classifications; 2) it is a clear example of how discriminatory impact alone can be used to unmask invidious classifications; and 3) it extended Federal equal protection guarantees under the 14th amendment beyond United States citizens to temporary or permanent residents. (Philip T. Nash, "Asian Americans and the Supreme Court: Employment and Education Issues," 1991, pp. 6-7.)

would not be depriving such parties of their property without due process of law, it would be difficult to say what would effect that prohibited result. The necessary tendency, if not the specific purpose, of [such selective enforcement] is to drive out of business all the numerous small laundries, especially those owned by Chinese, and give monopoly of the business to the large institutions.⁷⁷

The Court concluded that:

No reason . . . exists except hostility to the race and nationality to which the petitioners belong, and which in the eye of the law is not justified. The discrimination is, therefore, illegal, and the public administration which enforces it is a denial of the equal protection of the laws and violation of the Fourteenth Amendment of the Constitution. The imprisonment of the petitioners is, therefore, illegal, and they must be discharged.⁷⁸

The public school systems of California and other Western States were generally segregated. In 1860 California barred Asians, blacks, and Native Americans from attending its public schools. In 1884 the California Supreme Court held that the 1860 law was unconstitutional. As a result of this decision, the State set up a system of "oriental" (usually, Chinese) schools starting in 1885. In a 1902 decision, the U.S. Supreme Court upheld the constitutionality of separate but equal schools for Asian students.⁷⁹

In 1906 the city of San Francisco decided that Japanese and Korean students could not attend white schools and instead had to attend Chinese schools, setting off an international incident. The Japanese Government protested the deci-

sion vigorously, and as a result, President Theodore Roosevelt persuaded San Francisco to back down with respect to Japanese students. It was this incident that heightened Japanese awareness of anti-Japanese sentiments in the U.S. and prompted the negotiations that ultimately led to the Gentleman's Agreement of 1907.⁸⁰

Internment of Japanese Americans During World War II

Perhaps the most disgraceful incident in this country's history of discrimination against Asian Americans is the wartime evacuation and internment of Japanese Americans during the 1940s. On February 19, 1942, 212 months after Japan attacked Pearl Harbor, President Roosevelt signed Executive Order 9066 authorizing the Army to evacuate any persons from sensitive areas for reasons of national defense,⁸¹ and on March 2, 1942, General DeWitt announced the evacuation of persons of Japanese descent from an area bordering the Pacific Ocean.⁸² Initially, evacuated persons were merely relocated to other areas of the country, but the decision was made quickly to intern them in relocation camps.⁸³ In evacuating the Japanese, the Army generally gave less than 7 days notice, thus forcing families to sell their properties and possessions at a fraction of their true value.⁸⁴ Persons were allowed to bring to the camps only what they could carry. Eventually over 100,000 Japanese Americans were moved to internment camps in the Midwest, and many remained there for the duration of the war. They were officially released on January 2, 1945.⁸⁵

77 118 U.S. at 362.

78 *Id.*, at 374.

79 Connie Young Yu, "The Others: Asian Americans and Education," *Civil Rights Digest*, vol. 9, no. 1 (Fall 1976), p. 45.

80 *Strangers From a Distant Shore*, pp. 201-03.

81 "Run Out and Ripped Off," p. 8.

82 *Asian America*, p. 214.

83 Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied* (Washington, DC: Government Printing Office, 1982), pp. 101-07 (hereafter cited as *Personal Justice Denied*).

84 *Ibid.*, p. 217, and Attorney General's Report, p. 38.

Executive Order 9066 and General DeWitt's evacuation order were made despite the fact that government intelligence reports did not support the notion that resident Japanese posed a threat to national security.⁸⁶ No similar evacuation was ordered for persons of German or Italian descent. The Commission on Wartime Relocation and Internment of Civilians (CWRIC), established by Congress in 1980 to investigate the wartime internment, concluded that:

The promulgation of Executive Order 9066 was not justified by military necessity, and the decisions which followed from it—detention, ending detention and ending exclusion—were not driven by analysis of military conditions. The broad historical causes which shaped these decisions were race prejudice, war hysteria and a failure of political leadership. Widespread ignorance of Japanese Americans contributed to a policy conceived in haste and executed in an atmosphere of fear and anger at Japan. A grave injustice was done to American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed and detained by the United States during World War II.⁸⁷

Contemporaneous newspaper coverage of the internment process reflected its racist character. For example, consider the following quotes:

It is this inscrutability not general to other groups, that makes the application of the order immediate upon the Japanese.⁸⁸

"Once a Jap always a Jap!" he [Congressman Rankin] shouted. "You can't any more regenerate a Jap than you can reverse the laws of nature. I'm for taking every Japanese and putting him in a concentration camp."⁸⁹

Executive Order 9066 was upheld by the Supreme Court in two famous wartime cases, *Korematsu v. United States*⁹⁰ and *Hirabayashi v. United States*,⁹¹ which upheld the criminal convictions of Korematsu and Hirabayashi for challenging the evacuation and internment orders. It was not until the mid-1980s that their convictions were overturned when it was discovered that the U.S. Government had "'deliberately omitted relevant information and provided misleading information' to the Supreme Court on the crucial 'military necessity' issue."⁹²

Redress for the Japanese Americans interned during the war was slow in coming. In 1948 Congress passed the Japanese American Evacuation Claims Act, which appropriated \$38 million to reimburse Japanese Americans who had been interned for their losses. This amounted to only 10 cents on the dollar of actual losses.⁹³ In 1976 President Ford issued Presidential Proclamation 4417, which rescinded Executive Order 9066 and apologized to those who had been interned.⁹⁴

85 "Run Out and Ripped Off," p. 8.

86 *Personal Justice Denied*, pp. 51-60.

87 *Ibid.*, p. 18.

88 *San Francisco Chronicle*, editorial, Feb. 23, 1942, as quoted in Gina Petonito, "Racial Discourse, Claims Making and Japanese Internment During World War II" (paper presented at the 86th Annual Meeting of the American Sociological Association, Cincinnati, OH, Aug. 23-27, 1991), p. 11.

89 *San Francisco Chronicle*, Feb. 19, 1942, p. 9, as cited in Petonito, "Racial Discourse," p. 11.

90 323 U.S. 214 (1944).

91 320 U.S. 81 (1943).

92 Peter Irons, "Justice Long Overdue," *New Perspectives*, vol. 18, no. 1 (Winter/Spring 1986), p. 6, quoting Judge Patel's decision vacating Korematsu's conviction.

93 "Run Out and Ripped Off," p. 8.

94 *Asian America*, p. 331.

Finally, in 1988, prompted by the conclusions of the CWRIC report, Congress passed the Civil Liberties Act of 1988,⁹⁵ authorizing compensation of \$20,000 for living survivors of the internment camps. This money has only just begun to be paid, however.⁹⁶

Nearly 50 years later, the issues surrounding Japanese internment remain emotional. In 1989 the State of California legislature passed a resolution "requiring schools to teach that the internment stemmed from racism, hysteria over the war and poor decisions by the country's political leaders."⁹⁷ In response to the passage, Assemblyman Gil Ferguson introduced a new resolution in 1990 that would have required schools to teach that there was some justification for the internment.⁹⁸ Although the measure was overwhelmingly defeated, its introduction demonstrates that the issue is not yet resolved in the minds of all Americans.

Anti-Asian Sentiments and America's Nativist Tradition

The brief summary of America's history of anti-Asian policies and incidents offered in the

foregoing pages needs to be understood in the larger context of America's nativist tradition. Throughout U.S. history, Americans have frequently exhibited a general hostility towards groups whose cultures or traditions were different from those of the mainstream. According to historians, those from foreign lands and those subscribing to nonmainstream religions have been targets of suspicion, distrust, repulsion, and sometimes even hatred throughout American history.⁹⁹ This nativism predated the arrival of Asians in America and was directed towards Catholics and immigrants from European countries as well. One historian noted that "during the colonial times, suspicion of those who were 'foreigners' either through religion or national background, or both, was not uncommon."¹⁰⁰

During the early years of our nation, nativistic sentiments were prevalent among the public, and national leaders often shared these views. Such historical figures as George Washington,¹⁰¹ Benjamin Franklin, Thomas Jefferson, and John Quincy Adams¹⁰² all had reservations about and were at best ambivalent toward immigrants and

95 28 C.F.R. 74.

96 In October 1990 the first Japanese internment camp survivors—those who were the oldest—received their reparation checks. (Michael Isikoff, "Delayed Reparations and an Apology: Japanese Americans Held During War Get First Checks," *Washington Post*, Oct. 10, 1990.) The second round of checks began in October, 1991. (Japanese American National Library, *Bulletin*, vol. 2, no. 4 (Summer 1991), p. 1.)

97 Steven A. Capps, "Assembly Kills 'Justification' for Internment," *San Francisco Examiner*, Aug. 29, 1990.

98 Ibid.

99 For panoramic coverage, see Ray Allen Billington, *The Protestant Crusade, 1800-1860: A Study of the Origins of American Nativism* (New York: Macmillan, 1938); and John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick, NJ: Rutgers University Press, 1955).

100 Milton M. Gordon, *Assimilation in American Life: The Role of Race, Religion, and National Origins* (New York: Oxford University Press, 1964), p. 89.

101 In 1794 George Washington wrote:

"My opinion, with respect to immigration, is that except for useful mechanics and some particular descriptions of men or professions, there is no need of encouragement, while the policy or advantage of its taking place in a body (I mean the settling of them in a body) may be much questioned; for, by so doing, they retain the language, habits and principles (good or bad) which they bring with them." Cited in Gordon, *Assimilation in American Life*, p. 90; see n. 7, p. 90, for the original source of the quotation.

102 John Quincy Adams, then Secretary of State, wrote in 1818:

"If they [immigrants to America] cannot accommodate themselves to the character. . . of this country. . . , the Atlantic is

the effects of a free immigration policy. For example, in 1753 Benjamin Franklin wrote:

[He] had misgivings about the Germans because of their clannishness, their little knowledge of English, the German press, and the increasing need of interpreters. . . I suppose in a few years they will also be necessary in the Assembly, to tell one-half of our legislators what the other half say.¹⁰³

In the 1780s Thomas Jefferson commented that:

They [the immigrants] will bring with them the principles of the governments they leave, imbibed in their early youth; or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. These principles, with their language, they will transmit to their children. In proportion to their numbers, they will share with us the legislation. They will infuse into it their spirit, warp and bias its directions, and render it a heterogeneous, incoherent, distracted mass.¹⁰⁴

In reviewing the early- and mid-19th century sentiments about immigrants, one historian observed:

Many Americans believed that the influx of aliens threatened their established social structure, endangered the nation's economic welfare, and spelled doom of the existing governmental system.¹⁰⁵

Hatred of Catholics and foreigners had been steadily growing in the United States for more than two centuries before it took political form with the Native American outburst of the 1840's and the Know-Nothingism of the 1850's.¹⁰⁶

Incidents of an anti-Catholic, anti-European-radical, anti-Semitic, and anti-foreigner nature continued into the current century and are well documented.¹⁰⁷

Viewed from this perspective, it should be apparent that Asians were not the only victims of American nativism.¹⁰⁸ America's history has been one of unceasing struggles and eventual victories in ridding itself of various exclusionary, nativistic barriers. The Asian American civil rights struggle is only one part of a larger struggle over the past 50 years to overcome all forms of prejudice (e.g., anti-Catholic, anti-Semitic, anti-Euroethnic, anti-black, and anti-Hispanic, as well as anti-Asian) and barriers to equal opportunity.

This section has offered a sketch of what immigrants from Asia and their descendants had to endure in becoming part of contemporary America. The restrictive immigration policy and discriminatory laws and regulations of the past effectively barred most Asian Americans from enjoying the full benefits of American citizenship, isolated them from mainstream American society, and prevented many from receiving the love and support that comes from family life. Their complete isolation from their families and from American society and their realization that

always open to them to return to the land of their nativity and their fathers. . . They must cast off the European skin. . . They must be sure that whatever their own feelings may be, those of their children will cling to the prejudices of this country." Cited in *ibid.*, p. 94.

103 Cited in *ibid.*, p. 89; see n. 6, p. 89, for the original source of this quotation.

104 Cited in *ibid.*, pp. 90-91; see footnote 8, p. 91, for the original source of this quotation.

105 Billington, *Protestant Crusade*, p. 322.

106 *Ibid.*, p. 1.

107 See John Higham, *Strangers in the Land*, and also his more recent work, *Send These To Me: Jews and Other Immigrants in Urban America* (New York: Atheneum, 1975).

108 One historian argues, however, that "no variety of anti-European sentiment has ever approached the violent extremes to which anti-Chinese agitation went in the 1870s and 1880s." Higham, *Strangers in the Land*, p. 25.

they had only limited opportunities in America may have led many early Asian immigrants to turn to socially impermissible forms of behavior, such as drug use and frequenting prostitutes, and persons with anti-Asian sentiments may have in turn seized upon such behavior as a weapon against Asian Americans in their attempts to gain the right to full participation in American society. It is a testament to Asian Americans and their culture that, in face of the extreme hostility and restrictions on opportunity confronting them, Asian Americans persisted in this country, eventually gaining the right of citizenship, and that they made incalculably important contributions to the American society, culture, economy, and democratic tradition.

Although the United States has made much progress in demolishing many of the barriers confronting Asian Americans in the past, Asian Americans continue to confront discriminatory treatment and barriers to equal opportunity today. The remainder of the report highlights the need for continued vigilance and commitment to tearing down the remaining barriers to equal opportunity for Asian Americans and to rooting out all anti-Asian discrimination.