

**BRIEFING ON CIVIL RIGHTS
IMPLICATIONS IN THE
TREATMENT OF ASIAN PACIFIC
AMERICANS DURING THE CAMPAIGN
FINANCE CONTROVERSY**

**A Summary Report, Background Paper and Transcript
U.S. Commission on Civil Rights**

October 1998

U.S. Commission on Civil Rights

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

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

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Acknowledgments

The briefing was organized under the joint supervision of General Counsel Stephanie Y. Moore and Chief of the Public Affairs Unit, Charles Rivera.* In the Office of General Counsel, research, investigation, and the executive summary was prepared by co-team leaders Sicilia S. Chinn and Lillian Moyano-Yob, and attorney advisors Lynn T. Dickinson, Deborah A. Reid, and Peter R. Reilly. In the Public Affairs Unit, research, investigation, and contributions to the executive summary were provided by Barbara J. Brooks and William Lee.*

* No longer with the Commission.

**U.S. COMMISSION ON CIVIL RIGHTS
BRIEFING ON ASIAN PACIFIC AMERICAN PETITION**

EXECUTIVE SUMMARY

On December 5, 1997, the U.S. Commission on Civil Rights held a briefing on possible civil rights implications in the treatment of Asian Pacific Americans and permanent legal residents of Asian or Pacific Island descent during the controversy over political campaign contributions. The Commission frequently arranges such public briefings, with presentations from experts outside the agency and a representative range of advocates, in order to inform itself and the Nation of civil rights situations and issues.

The December 5, 1997 briefing was arranged in response to a petition signed by 18 Asian Pacific American organizations and individuals contending that Asian Pacific Americans and immigrants had been discriminated against as the subject of scapegoating and stereotyping in the fundraising controversy. Among the issues raised by the petition were allegations that Congressional hearings as well as the news media focused discriminatorily on Asian Pacific Americans while ignoring campaign finance violations by non-Asians; that the Democratic National Committee audited campaign contributions in a discriminatory manner; that politicians and political candidates made racist remarks; and that the news

media perpetuated stereotypes of Asian Americans in its coverage of the campaign finance controversy.

The 11 panelists at the briefing were divided into three panels. The panelists were Daphne Kwok, Executive Director, Organization of Chinese Americans; Susan Au Allen, President, U.S. Pan Asian American Chamber of Commerce; Joseph E. Sandler, General Counsel, Democratic National Committee; Suzanne Ahn, a physician and neurologist in Dallas; Michael Woo, a business executive and former Los Angeles City Council member; L. Ling-chi Wang, head of the Asian American Studies Program at the University of California, Berkeley, and founder of Asian Americans for Campaign Finance Reform; Frank Wu, Associate Professor, Howard University School of Law; Helen Zia, Contributing Editor, Ms. Magazine, and a freelance writer; Virginia Mansfield-Richardson, Associate Professor of Communication, Pennsylvania State University, and a former print journalist. William Woo, former Editor of the St. Louis Post-Dispatch, now a visiting professor at Stanford University and a teaching fellow at the University of California, Berkeley; and Joann Lee, Director of Journalism, Queens College, and a former broadcast journalist. Before

the panelists began, an overview of the petition's allegations and research prepared by staff was presented by Commission Attorney Advisor Sicilia S. Chinn.

In an opening statement, Commission Chairperson Mary Frances Berry pointed out that the Commission unanimously agreed to hold the briefing and had over the years studied possible discrimination against Asian Americans. She noted that the Commission's report "Civil Rights Issues Facing Asian Americans in the 1990s" recommended that the Nation's political leadership strive for a national climate that discouraged prejudice and violence against people of Asian descent and promoted public awareness of the issues.

In the overview, Ms. Chinn said that Commission staff, in arranging the briefing, remained aware of long-standing tensions between the First Amendment freedom of expression and the Nation's commitment to equality for all people. Ms. Chinn said that a historical stereotype of Asian Pacific Americans as disloyal foreigners appeared in many of the improprieties alleged in the petition. She also outlined background research by Commission staff on issues raised in the petition.

At the briefing, Daphne Kwok of the Organization of Chinese Americans outlined the petitioners' complaints. She said that the fundraising controversy had been racialized toward and

injurious to Asian Americans over the past 15 months, impacting all 10 million members of the community. Ms. Kwok said that many of the incidents Asian Americans were complaining about arose specifically because a person was of Asian descent. As examples of concern in the Asian American community, Ms. Kwok mentioned the manner in which the Democratic National Committee audited contributions, and the news media focus on Asian Americans accused of wrongdoing while giving slight attention to wrongdoing by people of non-Asian descent. In contrast to the media focus on Asian Pacific Americans, Ms. Kwok pointed out the scant attention given to a German national who was fined \$323,000 for improper campaign contributions. She cited a recommendation in the report "Civil Rights Issues Facing Asian Americans in the 1990s" that news media portrayals should be balanced and sensitive toward people of Asian descent.

Ms. Kwok also took issue with remarks by public officials which she alleged had taken racial overtones.

On the subject of the DNC audit of contributions, Ms. Kwok stated that some parts of the audit discriminated against Asian Americans.¹ While there was no problem with the DNC's decision to audit all donors who

¹ See appendix for a list of donor categories audited by the DNC.

contributed over \$10,000, Ms. Kwok stated that of those who donated between \$5,000 and \$10,000, only Asian Americans were audited.

She said that her organization, together with other groups, was seeking to convince dismayed Asian Americans of the importance of continued involvement in the political process.

The next panelist, Ms. Susan Au Allen of the U.S. Pan Asian American Chamber of Commerce, presented a contrasting view. Ms. Au Allen said that the campaign finance controversy was really about obeying the law and that the lesson Asian Americans should draw from the experience was to be vigilant in following the law while remaining in the political process. She also defended the news media's reporting about Asian American activities as a focus on unprecedented matters.

Ms. Au Allen also said that during the past year she had spoken to numerous Asian Americans outside the Washington area and that they did not feel discriminated against or smeared in the controversy.

The final participant on the first panel, Mr. Joseph E. Sandler, General Counsel of the Democratic National Committee, said that the fundraising controversy had "imposed a grievous burden" that "has threatened to undo a lot of the progress that has been made in involving and empowering the Asian Pacific American community." Mr. Sandler blamed "racist

statements" and letters with "racial overtones" by Republicans, a concentration on people with Asian surnames by news reporters, and "insufficient sensitivity" by the Democratic National Committee in conducting a review, or audit, of certain contributions. In response to the petition's allegation that the DNC audit targeted Asian American donors, Mr. Sandler explained that the DNC conducted an audit of contributions connected to John Huang. He said that donors who contributed \$5,000 or more in connection with an Asian American fundraising event were audited because John Huang was in charge of fundraising programs in the Asian American community. Mr. Sandler stressed, however, that surnames of contributors were not considered in selecting contributions for review.

Mr. Sandler said that during the past months Committee leaders had been holding meetings across the Nation with Asian American representatives and taking other steps in efforts to repair the situation. He said that the Committee was reconsidering a decision not to accept contributions from legal permanent residents.

During the questioning of the first panel, there were exchanges between Ms. Au Allen and Vice Chairperson Cruz Reynoso, among others, about whether the Asian Pacific American petitioners had been willing to condone wrongdoing in campaign fundraising and

about the role of stereotyping. Ms. Au Allen asserted that when the fundraising controversy first began, Asian American spokespersons used race in a "reflexive knee-jerk reaction" because they feared that wrongdoing by a handful of Asian Americans would reflect upon the whole community. Ms. Au Allen said that because of this concern, they were "willing to look the other way and try to sweep what we should be looking at under the rug." Ms. Kwok responded that the petitioners do not condone wrongdoing but are concerned about the effect of the investigation on the rest of the community.

In response to a question from Commissioner Carl A. Anderson about assertions in a letter from the National Republican Senatorial Committee, Mr. Sandler said that he would determine whether Democratic television advertising in the campaign against Republican Senator Mitch McConnell in Kentucky had contained racial smears based on the Senator's wife being Asian Pacific American. In a January 28, 1998 letter to Commission on Civil Rights General Counsel Stephanie Y. Moore, Mr. Sandler stated that to the best of his knowledge, "there was no advertisement ever produced for or in connection with the 1996 U.S. Senate race in Kentucky which included the phrase, 'send an all-American

family to the Senate,' or any similar message or phrase."²

In response to a request by Commissioner Yvonne Y. Lee, Mr. Sandler said that he would determine and provide the number of contributors audited and what percentage were Asian Pacific Americans. Mr. Sandler estimated that in the 1994-96 cycle, the DNC raised approximately \$227 million, of which \$3.4 million was raised by John Huang. In his subsequent letter, Mr. Sandler stated that he was not able to determine what percentage of the total was from Asian Pacific Americans because the DNC does not maintain information about race, ethnicity or national origin of its donors.

Ms. Kwok was asked about how the controversy has impacted the Asian American community and she responded, "I have heard from people who are just truly outraged. While they may or may not have contributed themselves, they feel directly impacted that this is a direct assault on them . . . we just hear stories after stories after stories. People who donated for the first time in 1996 who received the audit calls from the media, being harassed, they're saying: don't call me. I don't want to talk to anybody. I don't want to get involved. Don't ask me for

² Joseph E. Sandler, General Counsel, Democratic National Committee, letter to Stephanie Y. Moore, General Counsel, U.S. Commission on Civil Rights, Jan. 28, 1998 (hereafter cited as Sandler Letter).

any money. I'm never giving again."

There was an exchange between Mr. Sandler and Commissioner Robert P. George in which Mr. Sandler explained that there are separate donor councils for the African American community, the Latino community, the Asian Pacific American community, and the Jewish community. Commissioner George raised the question of whether or not organizing ethnic constituencies raises the risk of tainting the entire constituency if something goes awry. Mr. Sandler said that this is not a consideration when organizing a constituency.

The first speaker on the second panel was Dallas physician Suzanne Ahn. Dr. Ahn and her family have contributed to political parties and candidates for the past 15 years. She contacted the auditors who were working for the DNC and obtained a list of questions that they were asking donors. The questions included the following: "what is your reported income on your income tax last year? What are your assets? Are you an American citizen and how long have you been an American? Can you afford to make these donations? What is your Social Security number? And can we have your permission to do a credit check on you to verify that you can afford to make these contributions?" Dr. Ahn said that if she refused to give her Social Security number and refused permission

for a credit check, the auditor said, "we will list you as being uncooperative and release your name to the press and return your money."

She also spoke about receiving phone calls with further questions from the Federal Bureau of Investigation about her knowledge of fundraiser John Huang. Dr. Ahn described receiving a call from the FBI as "extremely intimidating." She was critical of the National Committee actions and said that she wanted the Committee to return her contribution. She also criticized news media questions and coverage. "The press has been relentless. I've received calls from a number of press people, including the New York Times because my name was released by the DNC as being a donor in the past. And they want to know where I was born. They want to know how much money I gave and why, what am I trying to buy, what am I trying to influence, who am I trying to get to. Which is all just absolutely ridiculous."

She described Senate hearings as "frightening," and condemned assertions by congressional Republicans.

Dr. Ahn suggested that Asian Americans, whether Democrats or Republicans, were becoming "totally disgusted" with a political process that included an "incredible double standard" operating against them.

The next participant, business executive and former Los Angeles City Council

member Michael Woo, said that the fundraising controversy had brought "an immense setback" to efforts by Asian Americans to move into the political mainstream. He said that because Asian Americans are largely dispersed instead of being concentrated in voting areas, they had depended more than other ethnic groups on alternative means of gaining a voice in the political process, such as raising funds and donating to campaigns. After the controversy, political candidates and parties seemed less inclined to solicit money from Asian Americans, Mr. Woo said.

In addition, Mr. Woo said that for an Asian American candidate to put together the multi-ethnic coalition required for election, the candidate must raise funds to pay for that effort and was substantially dependent on donations from other Asian Americans.

Mr. Woo also told of his own experience as "the subject of unfounded allegations and being assumed to be guilty" in the fundraising controversy until exoneration came after six months.

Appearing next, Mr. L. Ling-chi Wang, founder of Asian Americans for Campaign Finance Reform, and a historian of Asian American affairs, presented for later consideration, a paper that he described as a summary "of how racism, or anti-Asian exclusionism, has been used by politicians and the media to systemically oppress

immigrants from Asian countries in the past 150 years and how the attitude toward and treatment of Asian Americans in the unfolding campaign finance scandal fit into this well established historical pattern."

Mr. Wang said, "I cannot think of one incident or issue in the 150-year annals of Asian America that has been given more intensive and sustained attention, vilification, and investigation by our politicians, law enforcement, and national media than what we have been witnessing in the last 14 months. As a result, I cannot think of a more decisive civil right setback for Asian Americans in the past 30 years than what we collectively have been put through this past year, a deliberate conflation of foreign Asians and Asian Americans and, in the process, Asian Americans have been collectively stereotyped as foreigners and, therefore, denaturalized."

The final speaker on the second panel, Mr. Frank Wu of the Howard University School of Law, said that the mistreatment of Asian Americans in the controversy should be a concern not only to Asian Americans but to all Americans, "[b]ecause if this can be done to Asian Americans, this type of prejudice and stereotyping with such ease, it's only a matter of time before other groups are accused of similar disloyalties and stereotyped in this manner." Citing

instances of racial stereotyping in the news media, Mr. Wu said that many articles explained the alleged wrongdoing as deriving from the Asian backgrounds of those accused. Furthermore, he said, not only news media but political leaders had suggested "that the actions of a handful of individuals accused of wrongdoing - reflect upon all others of a similar racial background." Mr. Wu suggested that guilt by association because of race and the failure of many people to recognize this as racial stereotyping has to do with the image of Asian Americans as perpetual foreigners. Mr. Wu said that there is a "failure to grasp that just as there are people who are white who are European, and just as there are people who are white who are U.S. citizens, so, too, also there are Asians who live overseas who are citizens of foreign countries and there are Asians who live here, some 10 million of them, who are properly U.S. citizens just like everyone else." Mr. Wu indicated that many people do not understand that the controversy is not merely about drawing a distinction between citizens and foreigners because Asian American citizens are often stereotyped as foreigners.

Mr. Wu also argued that the Democratic National Committee, while auditing all big donors regardless of race, had concentrated discriminatorily on Asian Pacific Americans in designating other givers for

audit. He said that the Committee had examined 424 donors who were Asian American, more than 80 percent of whom had proved to be citizens properly exercising a right. Mr. Wu took issue with the DNC's assertion that Asian Americans were targeted for audit in some categories because the DNC was investigating funds raised by John Huang. Mr. Wu said that because Mr. Huang was assigned to the Asian American desk, donations from Asian Americans were credited to him regardless of whether or not he actually had contact with the donor.

In his letter to the Commission, Mr. Sandler disagreed. "Unless Mr. Huang himself indicated, on the check tracking form, that he was to be treated as the DNC staff solicitor of the contribution, no contribution was credited to him in our records. . . . [T]his notation could mean that the staff fundraiser personally solicited the contribution; that another supporter of the DNC with whom the fundraiser had a relationship solicited it; or that it was contributed in connection with an event for which the DNC staff fundraiser was responsible."³

In a subsequent written response to the DNC's assertion that it only targeted contributions associated with John Huang in its second audit, Frank Wu stated that the audit was

³ Sandler Letter, p. 2.

considerably broader because the DNC's records do not accurately show who was responsible for the contributions.⁴ Mr. Wu contended that the second DNC audit affected a larger pool of donors than just those associated with John Huang.

In his subsequent letter, Mr. Sandler stated that between March 1 and June 26, 1997, the DNC conducted an internal review of 171 contributions shown by DNC records to have been solicited by John Huang which were under \$2,500 each and which were not included in the previous review. According to Mr. Sandler, 11 contributions totaling \$8,100 were returned as a result of this review.

During the questioning, there was a discussion between Commissioner Constance Horner and Mr. Wu about whether lawful permanent residents should have a right to

contribute to campaign funds. In reply to a question from Commissioner Anderson, Mr. Woo said that as a public figure, he had found some news media representatives knowledgeable of the Asian Pacific American community but others appallingly uninformed, with uneven progress over the past 15 years. There was a discussion involving Commissioner George, Chairperson Berry, Mr. Wang, and other panelists about whether the experiences of other ethnic groups in this country might contain lessons for countering problems experienced by Asian Pacific Americans.

The first speaker on the news media panel, writer and editor Helen Zia, faulted... journalists for not distinguishing between Asian and Asian American, for creating an impression that Asian Americans were "all foreigners, aliens, and even spies," for exaggerating the involvement of Asian Americans as a part of the overall situation, for singling out politically active Asian Americans for investigation merely because of their race, for introducing Asian Americans into campaign finance stories when they were irrelevant to the story, for racial selectivity and a lack of balance in coverage—including failure to cover wrongdoing by non-Asians. She also criticized the media for letting racial slurs and innuendo by public officials go unchallenged, and for editorial attacks on Asian

⁴ Frank Wu, Associate Professor, Howard University School of Law, letter to Stephanie Y. Moore, General Counsel, U.S. Commission on Civil Rights, Jan. 13, 1998, p. 2 (hereafter cited as Wu Letter). As support, Mr. Wu cites a press conference on the DNC in which Mr. Judah Best, representing Debevoise & Plimpton stated, "Now let me say one thing also about contributors and identifying contributors to specific people. The more I got into this, the more I looked at the documents at the committee, it's clear that some or all of the attribution of contributors to a specific individual such as Mr. Huang or Mr. Trie or staff of the DNC is sometimes exaggerated and inaccurate. And so there is no precise mathematical way of saying that in the case of any return contributor that this was precisely something solicited by Mr. Huang." Wu Letter (citing *Federal Document Clearing House, Inc.*, FDCH Political Transcripts, "Webwire-Holds News Conference on Democratic National Committee's New Compliance Policy," Feb. 28, 1997).

American criticisms of coverage.

Ms. Zia said that while journalists should be getting the facts out to the public they also had "a role of interpreting the news, of filtering the news, of gatekeeping the news."

Speaking next on that final panel, Dr. Virginia Mansfield-Richardson of Pennsylvania State University told of a study for her doctoral dissertation that examined coverage of Asian Americans in 20 metropolitan newspapers in the United States in the mid-1990s. She said that the study showed an undercoverage of Asian Americans in the dailies, with some of the newspapers having no articles at all and the total articles for all 20 newspapers being 635 over a year. The majority of the articles that did appear dealt with entertainment, she said.

For the dissertation, she also mailed a survey to 520 Asian American journalists in radio, television, and print media, Dr. Mansfield-Richardson said. Of the 19.5 percent who responded, 71 percent reported having experienced racism within the news organizations, she said.

The next participant, former St. Louis Post-Dispatch Editor William Woo, suggested that newspapers had improved during recent decades their coverage and newsroom employment of people of Asian descent but that improvement had been by no means adequate. Mr. Woo said that a survey by the American Society of

Newspaper Editors found that there are 1,141 Asian American professionals working for newspapers or approximately 2.1 percent of news professionals. Mr. Woo said that this is a lot more than there was a few years ago. However, he said that in more than 40 percent of newsrooms in America there is not one single minority professional.

He mentioned that various institutions had promoted a "mainlining" of Asian Americans and other minorities in the news and that many newspapers had adopted diversity training for their staffs.

In reference to stereotyping, misidentification, and insensitivity complained about in the petition, Mr. Woo said that such instances as were cited could not be dismissed as accidents, in that "editors are supposed to bring critical judgment and taste to their jobs." Finding a fixation on people of Asian descent in the fundraising controversy coverage, Mr. Woo suggested that "the deplorable practice at work is group think or the irresistible force of an untested orthodoxy or what some people call the master narrative." He explained, "Once journalists get it through their heads that these sets of circumstances wholly define a story, that the circumstances have been anointed by the national media, it can be very difficult to get them to see the fact or situation in any other way."

The final speaker on the news media panel, Journalism Director Joann Lee of Queens College, said that she had examined hundreds of newspaper articles on the fundraising controversy. "For the mainstream media there was but one story angle worthy of their attention, and that angle was the so-called Asian connection into the White House," she said.

Dr. Lee said that in scapegoating and stereotyping Asian Americans in the fundraising controversy, the media were continuing an established practice. "[I]n times of national concern the media predictably end up portraying Asian Americans as the other," she said. "It's a practice, perhaps unconscious, that goes back to World War II, with Japanese internment, and the reporting of Asian images through the Korean and the Vietnamese Wars." She said that the coverage of Asian Americans in the fundraising controversy was an example of how mainstream media stories tend to be about how Asian Americans affect the larger society, in contrast to about Asian Americans per se.

During questioning, there was a discussion of how to avoid an unfair focus on one group such as Asian Americans in news coverage. After that discussion, Commissioner Anderson suggested that perhaps the Commission should mail copies of its report "Civil Rights Issues Facing Asian Americans in the 1990s," together with cover letters, to news media. There was a

discussion, started by a question from Commissioner Lee, about whether news stories are selected based on what editors think readers are interested in or from what the editors think readers should be interested in. Panel members reviewed the 11 percent minority representation among journalists. There was also a discussion, prompted by a question from Commissioner Horner, about how the news media should provide coverage of and for Asian Americans as a part of the citizenry.

The briefing paper that follows provides some background information on the Petition and the attached transcript provides the presentations of the panelists and the discussions between the Commissioners and the panelists at the December 5, 1997 briefing.

**U.S. COMMISSION ON CIVIL RIGHTS
BRIEFING ON ASIAN PACIFIC AMERICAN PETITION**

BACKGROUND BRIEFING PAPER

**Part I: Introduction and
Background**

**Section A: Overview of
Campaign Finance Controversy**

Campaign fundraising by the DNC during the 1996 elections has been the subject of congressional and media scrutiny since allegations surfaced that John Huang, then a DNC fund raiser specializing in Asian American contributions, had accepted contributions to the Democratic Party from questionable sources. As a fund raiser for the DNC, Mr. Huang raised \$3.4 million for the party, mostly from the Asian Pacific American (APA) community.

Mr. Huang's role in the DNC was an apparent attempt by the Democratic Party to court Asian Pacific American voters. Under an Outreach Plan created in 1996, DNC fund raisers were challenged to raise \$7 million from the Asian Pacific American community. John Huang was charged with carrying out the plan. In addition to Huang, the DNC employed two paid staffers to work on Asian Pacific American outreach during the campaign, as it did for other racial and ethnic groups.

The initial allegations raised in the campaign finance controversy centered on possible problems with "soft

money"¹ donations to the DNC that had been credited to Huang's outreach efforts. The allegations extended to quid pro quo favors from the White House, such as reversals on foreign and domestic policy. Some suggestions were made about commercial espionage or compromise of national security.²

Before the allegations involving John Huang and the DNC came to light, other players had engaged in allegedly questionable conduct related to campaign fund raising and contributions. Appendix A highlights the major figures and events surrounding the campaign finance controversy.

The series of events involving the allegations of improper fund raising by Asian Pacific Americans and Asian donors prompted 18 Asian Pacific American organizations and individuals to file a petition requesting the U.S. Commission on Civil Rights to examine the controversy and any resulting fallout on their community.

Section B: The Petition

¹ Appendix B summarizes campaign contribution laws that may be implicated in the controversy.

² "A Call to ACTION: Briefing Package on Asian Pacific Americans and the Campaign Finance Controversy," a briefing report prepared by a coalition of Asian Pacific American community groups. Spring 1997.

Edward Chen and Dale Minami, on behalf of 18 Asian Pacific American organizations and individuals, petitioned the Commission to conduct an investigation on allegations of discrimination and denial of equal protection by government institutions, public officials, and the media.³ The Petition for Hearing (the "Petition") was filed in response to the perceived backlash against Asian Pacific Americans in the aftermath of the campaign finance controversy involving several questionable contributions and privileges accorded to several Americans of Asian descent. In response to the controversy, Petitioners allege that members of Congress, major political organizations, public figures and the media have engaged in a systematic pattern of racial stereotyping, bias, and scapegoating directed at Asian Pacific Americans and legal immigrants.⁴

Petitioners do not defend any illegal conduct or seek to punish any person or group. Rather, they maintain that by examining the issue, the Commission may educate the public about inaccurate assumptions and stereotypes, hold accountable those who have acted or made statements

³ Edward M. Chen and Dale Minami, Attorneys for Petitioners, Petition for Hearing Before the U.S. Commission on Civil Rights, p. 22 (hereafter cited as the "Petition").

⁴ Statement of Edward M. Chen, Staff Counsel, ACLU Foundation of Northern California, press conference, Sept. 11, 1997, p.2.

that are inappropriate, and deter future scapegoating.⁵

Section C: Historical Treatment of Asian Americans in the United States

The history of Asian Americans in the United States demonstrates a legacy of bias, discrimination, and exclusion. Throughout most of their history in the U.S., persons of Asian descent have been the targets of discriminatory laws that have deprived them of the right to naturalize, to immigrate, to own land, and, during the period of Japanese internment during World War II, to live among other Americans.⁶ These historical bars to fundamental rights shaped and likely continue to influence the image of Asian Pacific Americans as perpetual foreigners.

Citizens, immigrants, and residents of Asian Pacific descent have faced distrust

⁵ Ibid. According to Stewart Kwok, Executive Director of the Asian Pacific American Legal Center in L.A., "Asian Americans should be involved in overall campaign finance reform ... but [the reform should not be fueled by] a perceived threat from Asian Americans or immigrants generally. That would reinforce the stereotype that is rampant about Asian American contributions right now. The stereotype is that we are all foreigners and have made illegal campaign contributions." Annie Nakao, "Foreign Donors: Asians Feel Heat," *The San Francisco Examiner*, Dec. 22, 1996, p. C-1.

⁶ Su Sun Bai, "Affirmative Pursuit of Political Equality for Asian Pacific Americans: Reclaiming the Voting Rights Act," Univ. of Penn. L. R., vol. 139, 1991, pp., 749-53 (hereafter cited as Bai, "Affirmative Pursuit of Political Equality for Asian Pacific Americans") (summarizing exclusionary laws that, for over 150 years, excluded Asian immigrants from gaining foothold in American society).

and endured unjust and discriminatory treatment since they began arriving in Hawaii and the continental U.S. in large numbers during the mid 19th century. 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 that started in the 1920s and lasted until the 1965 amendments to the Immigration and Nationality Act replaced the national origins system with a fixed annual quota of 20,000, permitting Asian immigration.⁷

Chinese Immigration

Chinese immigration to the U.S. was precipitated by the California gold rush and the Treaty of Hidalgo in 1848. With the annexation of California from Mexico under the treaty, a plan was sent to Congress for expansion of the

⁷ Immigration and Nationality Act Amendments of Oct. 3, 1965, 79 Statutes-at-Large 911- Pub. L. No. 89-236 (1965). See also, *Civil Rights Issues Facing Asian Americans in the 1990s*, a report of the USCCR, (GPO, February 1992), pp. 4-5 (hereafter cited as USCCR, *Civil Rights Issues Facing Asian Americans*).

railroad to the Pacific coast. The plan proposed that Chinese laborers be imported to build the transcontinental railroad as well as to cultivate the land in California. At the same time, gold was discovered in California, thus generating a need for both Mexican and Chinese miners who were seen as the best source of cheap labor.

At first the Chinese were welcomed because their labor was essential to the expansion into California and the development of the territory. But by 1852, the California legislature passed a foreign miner's tax directed at Chinese miners. The tax required every foreign miner who did not wish to become a U.S. citizen to pay a monthly fee of three dollars. Since the Chinese were ineligible for citizenship under a 1790 Federal law that reserved naturalized citizenship for 'white' persons, all Chinese miners in California were assessed the tax until its repeal in 1870.⁸

Anti-Chinese nativist sentiment and immigration antipathy were also on the

⁸ By the time the tax was repealed by the Civil Rights Act of 1870, California had collected \$5 million for the Chinese, a sum representing between 25% and 50% of the State's total revenue. Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown and Co., 1989), p.82 (hereafter cited as Takaki, *Strangers from a Different Shore*); and Ann Elizabeth Auman and Gregory Yee Mark, "The Chinese Americans," in *U.S. News Coverage of Racial Minorities: A Sourcebook, 1934-1996*, ed., Beverly Ann Deepe Kever, Carolyn Martindale, and Mary Ann Weston (Westport: Greenwood Press 1997), pp. 193-94.

rise, spurring passage of the Chinese Exclusion Act in 1882.⁹ The Chinese Exclusion Act effectively eliminated immigration by the Chinese and prohibited the granting of citizenship to any Chinese person already within the U.S. The Chinese Exclusion Act was repealed in 1943, a response in part to the support by Chinese U.S. residents to the World War II war effort.¹⁰

Japanese Immigration

The need for labor on Hawaii's plantations precipitated the search for cheap labor in Japan. The first Japanese contract workers arrived in Hawaii in 1868, and in 1885 the Japanese government officially allowed Japanese workers to migrate to Hawaii and to the U.S. mainland.

On the mainland, Japanese immigrants were initially employed as migrant workers in agriculture, railroad construction, and canneries. Eventually, the Japanese - primarily those in California - became farmers with extensive land holdings, and their success and increasing presence engendered great animosity. In a 1901 message to the legislature, for example, California Governor

Henry Gage warned that the unrestricted immigration of Japanese laborers constituted a "menace" to American labor similar to the earlier "peril from Chinese labor."¹¹

In 1907, the U.S. government pressured Japan to prohibit the emigration of Japanese laborers to the U.S.,¹² and in 1913 the California legislature passed the California Land Act, which prohibited aliens - principally Japanese immigrants - from owning and leasing land.¹³ Other States passed similar legislation. Moreover, in 1924 Congress passed the Immigration Quota Act, which was aimed specifically at Japanese immigrants but also covered other Asians. The Immigration Quota Act excluded all aliens who were ineligible for citizenship (i.e., those who were neither "white," as

¹¹ Takaki, *Strangers from a Different Shore*, pp. 200-01. In 1905, The Asiatic Exclusion League was formed, calling for prevention of Asian immigration to America in order to ensure "preservation of the Caucasian race upon American soil." In San Francisco, white workers demanded renewal of the Chinese Exclusion Act and the extension of the ban to the Japanese, arguing that the Japanese peril was more threatening to white labor than Chinese competitors. *Ibid.*, pp. 200-02.

¹² Immigrant Act of Feb. 20, 1907. In 1907, President Theodore Roosevelt signed the order prohibiting aliens, primarily the Japanese, from settling on the mainland. The Japanese government agreed to stop issuing passports to laborers wanting to go to the U.S. in the reciprocal action that became known as the Gentleman's Agreement. See, *U.S. News Coverage of Racial Minorities*, essay by Thomas Heuterman, "The Japanese Americans," pp. 217-218; and McClain and Stewart, "Can We All Get Along?," pp. 16-19.

¹³ 1913 Cal.Stat. 206, ch. 113, §§1-2.

⁹ 22 Statutes-at-Large 58. The Act suspended immigration of Chinese laborers to the U.S for ten years and barred Chinese from naturalization.

¹⁰ Pub. L. No. 78-199 (1943). See also, Paula McClain and Joseph Stewart, Jr., *Can We All Get Along?: Racial and Ethnic Minorities in American Politics* (Boulder: Westview Press, Inc. 1995), pp. 16-19 (hereafter cited as McClain and Stewart, "Can We All Get Along?").

stated in 1790 and subsequent naturalization laws, or "African," as stated in the naturalization laws as amended after the Civil War).¹⁴

During the opening months of World War II, almost 120,000 Japanese Americans - two-thirds of them U.S. citizens - were forced to leave their homes, sell much of their property at enormous losses, and move into detention camps as a result of Executive Order 9066, issued by President Franklin Roosevelt on February 19, 1942. A response to fears of Japanese infiltration and compromised national security, Executive Order 9066 authorized the U.S. military to exclude any person from anyplace without a trial or hearings, and to create military areas "with respect to which, the right of any person to enter, remain in, or leave [would] be subject to whatever restrictions the Secretary of War or the

¹⁴ Immigration Act of May 26, 1924, 43 Statutes-at-Large 153. Precedent establishing the racial classification of Japanese had been previously established in the Supreme Court's 1922 opinion, *Takao Ozawa v. U.S.*, where the Court affirmed that Takao Ozawa, a Japanese immigrant, was not entitled to naturalized citizenship because he 'clearly' was 'not Caucasian.' 260 U.S. 178 (1922). See also, McClain and Stewart, "Can We All Get Along?" pp. 16-19. This act restricted annual immigration from all countries to 2% of the countries' national origin populations living in the United States in 1890, with an overall cap of 150,000. It also specifically banned immigration of persons who were ineligible for citizenship, including Asians. Since immigration from all other countries had already been halted, this provision appeared to be targeted specifically at Japanese immigration. USCCR, *Civil Rights Issues Facing Asian Americans*, p. 4.

appropriate Military Commander [might] impose in his discretion."¹⁵ While the Order did not specify particular groups, it nevertheless set the stage for the entire forced removal and incarceration of Japanese Americans.

The racial restrictions in the 1790 Naturalization Act were rescinded with passage of the Immigration and Naturalization Act of 1952¹⁶ (also known as the McCarran-Walter Act), which finally eliminated the provision against naturalization of "nonwhite aliens" and granted Japanese and other Asian immigrants the right to become citizens.¹⁷

Filipino Immigration

The immigration to the U.S. mainland by Filipinos, largely laborers, began just after 1900 and increased substantially in the 1920s as demand for their labor increased, in part as a result of the exclusion of Japanese laborers. Filipinos settled across the country, and worked in agriculture and in domestic service. Immigration from the Philippines, a U.S. territory, continued apace until a few years before the Tydings-McDuffie Act of 1934¹⁸ gave the Philippines Commonwealth

¹⁵ Takaki, *Strangers from a Different Shore*, p. 391.

¹⁶ Pub. L. No. 82-414, 66 Stat. 163.

¹⁷ Bai, "Affirmative Pursuit of Political Equality for Asian Pacific Americans," p. 752. See also, GAO, *Asian Americans: A Status Report*, March 1990, Appendix I.

¹⁸ Ch. 84, 48 Stat. 459 (1934).

status and defined Filipinos not born in the U.S. as aliens. The Tydings-McDuffie Act placed a quota of 50 immigrants per year on immigration from the Philippines and did not allow the families of resident Filipinos to immigrate.¹⁹

In 1965, when anti-Asian immigration restrictions were liberalized, a new wave of immigration sprang from Southeast Asia, China, Korea, the Philippines, and other Asian countries to the United States.

Section D: Stereotyping of Asian Americans

The controversy over campaign contribution issues involving Asian Americans and possible solicitation from foreign nationals and corporations may be fueled, at least partly, by enduring stereotypes. As the Commission noted in its 1992 report, *Civil Rights Issues Facing Asian Americans in the 1990s*, Asian Americans are harmed by widespread perceptions that they are "model minorities,"²⁰ on one

¹⁹ USCCR, *Civil Rights Issues Facing Asian Americans*, p. 4.

²⁰ The term "model minority" was first cited in a 1966 New York Times story. Peterson, "Success Story, Japanese American Style," *New York Times*, Jan. 6, 1966, sec. 6, p. 20. The model minority myth characterizes APAs as "quiet, obedient, and non-adversarial yet economically successful...." One of the most dangerous fallacies of the myth, according to Su Sun Bai, "is that it portrays Asian Pacific Americans as either choosing not to participate in politics or of not needing political empowerment." Su Sun Bai, "Affirmative Pursuit of Political Equality for Asian Pacific Americans: Reclaiming the Voting

end of the spectrum, or, on the other, that they are untrustworthy foreigners."²¹

The perception of Asian Americans as foreigners stems from the historical exclusion of Asian immigrants and discrimination against Asian Americans. As more fully discussed in the historical section above, early Asian immigrants were not permitted to naturalize, own land, be freely employed, or marry outside of their race. Ironically, while Asian immigrants were legally considered "residents incapable of becoming citizens,"²² this legal

Rights Act," Univ. of Penn. L. R., vol. 139, 1991, p., 745.

²¹ USCCR, *Civil Rights Issues Facing Asian Americans*, pp. 18-21.

²² Keith Aoki, "Foreign-ness & Asian American Identities: Yellowface, World War II Propaganda and Bifurcated Stereotypes," *UCLA Asian Pacific Law Journal*, vol. 4 (1997) (forthcoming) (hereafter cited as Aoki, "Foreign-ness & Asian American Identities"), p. 93, citing to *Fong Yue Ting v. U.S.*, 149 U.S. 698, 717 (1893) ("[T]he presence within our territory of large numbers of Chinese laborers, of a distinct race and religion, remaining strangers in the land, residing apart by themselves, tenaciously adhering to the customs and usages of their own country, unfamiliar with our institutions, and apparently incapable of assimilating with our people, might endanger good order, and be injurious to the public interest"). See also, *Plessy v. Ferguson*, 163 U.S. 537, 561 (1896) ("There is a race so different from our own that we do not permit those belonging to it to become citizens of the U.S. Persons belonging to it are, with few exceptions, absolutely excluded from our country. I allude to the Chinese race." And see, *U.S. v. Wong Kim Ark*, 169 U.S. 649, 731 (1898) ("[T]he presence within our territory of large numbers of Chinese laborers, of a distinct race and religion, remaining strangers in the land, residing apart by themselves, tenaciously adhering to customs and usages of their own country, unfamiliar with our institutions, and apparently

disability was interpreted as evidence that Asian immigrants remained loyal to foreign rulers. According to Keith Aoki, a professor of law who has written about racial stereotyping of Asian Americans, "Chinese immigrants were blamed for not assimilating into U.S. society, while it was precisely U.S. laws which prevented such assimilation in the first place."²³

The perception of "foreign-ness" may fuel any backlash against Asian Americans during times of international economic or political tensions between the U.S. and Asian countries.²⁴ Indeed, it is this perception which, according to the Petitioners, has generated suspicion of the Asian American community in the present campaign finance controversy. Specifically, the Petition alleges discrimination against Asian Americans based on widespread attitudes that Asian Americans share more similarities with Asians than with other Americans. According to the Petition, Asian Americans routinely are treated as foreigners, and are subjected

incapable of assimilating with our people, might endanger good order, and be injurious to the public interests....").

²³ Aoki, "Foreign-ness & Asian American Identities," pp. 93-94.

²⁴ A poignant illustration of the danger of this perception was the 1982 murder of Vincent Chin, a Chinese American, by two white automobile factory workers who resented Japan's economic success in the American automobile industry and who mistook Mr. Chin for Japanese.

to "unfounded presumptions and generalizations based on ethnicity or alienage" which lead to "double standards in examining the conduct of Asian Pacific Americans far more critically than comparable and even more egregious conduct by others."²⁵ Ling-chi Wang, a professor of Asian American Studies at the University of California, Berkeley and founder of Asian Americans for Campaign Finance Reform, explains that the American public perceives no distinction between Asian Americans and their foreign ancestors.²⁶ According to Howard Law Professor Frank Wu, the media's portrayal of the controversy as an "Asian" problem, without drawing the distinction between "Asian"

²⁵Petition, p. 2. Commentators and Petitioners cite to the media's emphasis on questionable contributions from Asian sources over contributions from other foreign sources. Julie Chao, "Asians, Donations, Spin 1" Conference in San Francisco," *The San Francisco Examiner*, Nov. 15, 1997, A3 (At a recent conference organized by Ling-chi Wang, John Warren McCurry, chairperson of the Federal Election Commission, cited to the case of a German businessman who was fined by the FEC for making over \$400,000 in illegal campaign contributions. The case received little press attention. According to Mr. McCurry, if the contributor had been "an Asian American, it [press coverage] would have gone on and on.")

²⁶ Asian Pacific Americans, according to Professor Wang, are seen as "perpetual foreigners - never to be trusted." As an example of the magnitude of this stereotype on Asian Pacific Americans, as compared to other immigrant groups, Professor Wang explained that an African immigrant seen walking down the street is automatically presumed by most people to be an African American. Yet for Asian Pacific Americans, the automatic presumption is that they are foreign - even if they are in fact multigenerational Americans. Wang Interview. See also, Mineta Interview, the fixers, (online column).

and "Asian American" and without giving equal attention to improper contributions by non-Asian foreign sources created a major racial stereotyping problem.²⁷ In an article written by Professor Wu and Stewart Kwoh, they write: "In a steady stream of articles as well as radio and television reports [about the Huang matter], the line between Asians and Americans of Asian heritage has been blurred, while the division between people with Asian faces or names and everyone else has sharpened."²⁸ These generalizations, the Petition suggests, in some form or another, have shaped most of the responses to the campaign finance controversy. According to the Petitioners, the enduring perception of Asian Americans as foreigners underlies each specific

²⁷ Wu Interview.

²⁸ Stewart Kwoh and Frank Wu, "Don't Build Reform on a Scapegoat," *Los Angeles Times*, Oct. 24, 1996. The article argues, "The Huang matter... has become much more than a (sic) issue of partisan politics. It has turned from a question of one person's dealings into scapegoating of a racial minority group. Asian Pacific Americans, often stereotyped as foreigners who do not belong here, are again being seen as less than loyal.... Asian Pacific Americans... should be troubled if the momentum for [campaign finance reform] comes out of a perceived threat from Asian Pacific Americans or immigrants generally." See also, Frank Wu and May Nicholson, "Have You No Decency? An Analysis of Racial Aspects of Media Coverage on the John Huang Matter," *Asian American Policy Review*, Spring 1997, pp. 2-3 (hereafter cited as Wu and Nicholson, "Have You No Decency?") (Since claims about Huang originated in press reports before they were repeated by political figures, the media has played a leading role in shaping the public perception of Asian Pacific Americans as political participants).

example of improper conduct cited in the Petition.

Part II: Accountability for Official Conduct

The Petition alleged that United States Senators and Members of the United States House of Representatives made racially biased remarks.²⁹ Most of the remarks cited in the Petition were made during official proceedings of Congress.³⁰ The following comments were made during the campaign finance hearings held by the Senate Governmental Affairs Committee: (1) "[W]e ought to get on with immunizing these little nuns and monks so we are not worried about discriminating against them," Senator Pete Domenici, July 8, 1997;³¹ (2) "[N]o raise money, no get bonus," Senator Sam Brownback, July 10, 1997;³² (3) "Mr. Trie's activities are classic

²⁹ Petition, p. 13. The Petition also alleged that 1996 presidential candidate Ross Perot "characteriz[ed]... Asian-sounding names as un-American." *Ibid.* Specifically, Ross Perot listed the names of Asian American campaign contributors and stated, "so far we haven't found an American name." *Newsweek*, Nov. 11, 1996, p. 27.

³⁰ The only comment made by an elected politician outside official proceedings was Senator Sam Brownback's comment that "two Huangs don't make a right," which he made at a meeting with the Washington Press Club Foundation. James Warren, "In D.C., Cleveland's 'Dennis the Menace' Has Last Laugh," *Chicago Tribune*, Feb. 2, 1997, p. C-2.

³¹ *Investigation on Illegal or Improper Activities in Connection with the 1996 Federal Election Campaign—Part I: Hearings Before the Committee on Governmental Affairs, United States Senate, July 8, 9, and 10, 1997, 105th Cong. 79 (1998)* (statement of Senator Domenici).

³² *Ibid.*, p. 188 (statement of Senator Brownback).

activities on the part of an Asian who comes out of that culture and who embarks on an activity relating to intelligence gathering," Senator Robert Bennett, July 30, 1997.³³ Representative Jack Kingston's assertion that the alleged illegal donations were only the "tip of the egg roll" was made in a statement on the floor of the House of Representatives.³⁴

Most of the officials either apologized or offered explanations for their conduct. Senator Brownback "immediately apologized," and his spokesman stated that the comment was "not meant in a racist way." Senator Bennett's communications director said that Senator Bennett "merely wanted to point out to colleagues that 'the Asian business culture is very different from the Western business culture.'" Representative Kingston's communications director stated that the comment was "strictly humorous."³⁵

Under Article I, § 6 of the United States Constitution, no Senator or Representative may, "for any Speech or Debate in either House, . . . be questioned in

³³ *Investigation on Illegal or Improper Activities in Connection with the 1996 Federal Election Campaign—Part IV: Hearings Before the Committee on Governmental Affairs, United States Senate, July 29, 30, and 31, 1997*, 105th Cong. 141 (1998) (statement of Senator Bennett).

³⁴ 143 Cong. Rec. H5500 (daily ed. July 22, 1997) (statement of Rep. Kingston).

³⁵ Alan Elsner, "Hearings Produce Slurs Against Asian-Americans," *The Buffalo News*, Aug. 8, 1997, p. 5A.

any other place."³⁶ Nevertheless, the allegations in the Petition raise the concern that "[w]hen public figures make racial slurs against Asian Americans, they lend an aura of legitimacy to the anti-Asian attitudes held by many in the public and indirectly encourage anti-Asian activities."³⁷ Even though the Speech or Debate Clause provides immunity for statements made during legislative debates, both the Senate and House of Representatives have adopted rules and practices that impose restrictions on speech.³⁸

Section A: The Senate—

³⁶ This Clause of the Constitution is commonly referred to as the "Speech or Debate Clause." See, e.g., *Gravel v. United States*, 408 U.S. 606 (1972). In *Gravel*, the Court explained that "[t]he Speech or Debate Clause was designed to assure a co-equal branch of the government wide freedom of speech, debate, and deliberation without intimidation or threats from the Executive Branch." *Id.* at 616.

³⁷ USCCR, *Civil Rights Issues Facing Asian Americans*, p. 44.

³⁸ Article I, section 5 of the United States Constitution authorized each house of Congress to monitor the conduct of its members and to issue appropriate discipline, if necessary. Specifically, this section determined that "[e]ach House may determine the Rules of its Proceedings, [and] punish its Members for disorderly Behavior, and with the concurrence of two thirds, expel a Member." U.S. CONST. art. I, § 5, cl. 2. In 1897, in *In re Chapman*, 166 U.S. 661 (1897), the United States Supreme Court noted that both the U.S. House of Representatives and the Senate had the authority to discipline members whose conduct was "inconsistent with the trust and duty of a member . . . [in spite of whether the infraction] was a statutable offense nor was it committed in [the member's] official character, nor was it committed during the session of Congress, nor at the seat of government." *Id.* at 669-70.

Historical Background of Self-Regulation in the United States Senate

Throughout its existence, the United States Senate has employed various guidelines to define the appropriateness of its members' official conduct and their public statements. The current standards were developed after the Senate was faced with a violation of civility during a February 1902 debate on annexing the Philippine Islands.³⁹ Upon review of this breach of decorum, the Senate's Committee on Privileges and Elections recommended that both senators involved be censured because their conduct was "an infringement of the privileges of the Senate, a violation of its rules and

³⁹ Anne M. Butler and Wendy Wolff, *United States Senate - Election, Expulsion and Censure Cases: 1793-1990* (Washington: Government Printing Office, 1995), p. 269 (hereafter cited as Butler and Wolf, *Senate Election*). "Senator Benjamin Tillman (D-SC) . . . known to be less than courteous on the Senate floor, used the occasion to direct scathing remarks toward [Senator] John McLaurin's (D-SC) empty chair, charging that his colleague had succumbed to 'improper influences' in changing his position on the treaty. . . . Tillman accused McLaurin of treachery for casting his vote with the Republicans to approve the treaty after publicly speaking against it. In return, Tillman charged, the majority Republicans had allowed McLaurin to control government patronage in South Carolina and granted him committee positions as a Republican. Word of Tillman's remarks quickly reached McLaurin in a committee meeting, and incensed, he dashed into the Senate chamber and denounced Tillman's statement as 'a willful, malicious, and deliberate lie.' In response the fifty-four-year-old Tillman jumped from his place and physically attacked McLaurin, who was forty-one, with a series of stinging blows. Efforts to separate the two combatants resulted in misdirected punches landing on other members." Ibid.

derogatory to its high character, tending to bring the body itself into public contempt."⁴⁰ The Committee on Privileges and Elections also established that the Senate was authorized to suspend and expel members, as well as find them in contempt.⁴¹ This event also caused the Senate to impose more rigid policies relating to members' conduct during floor debates.⁴²

Rules Restricting Speech

Since its inception, the Senate has encouraged a free and open debate during its proceedings. In 1856, the Senate considered a proposed rule that the current discussion should be pertinent "to the question under . . . debate."⁴³ However, this proposal was defeated primarily because Senate members contended that the only restriction on the debate should be a prevailing atmosphere of decorum.⁴⁴ Subsequently, after the breach of decorum in 1902, the Senate agreed that, "[n]o Senator in debate shall, directly or

⁴⁰ Ibid., p. 270 (The senators were initially deemed to be in contempt of the Senate and their names were omitted from roll call votes, but their names were later restored and the contempt order was removed). The Senate vote of their censure was 54 (for) to 12 (against). However, 22 senators did not participate in this vote. Ibid. (The authors suggested that many of the Senators possibly believed that McLaurin's actions were prompted by Tillman's remarks).

⁴¹ Ibid., p. 271.

⁴² Ibid.

⁴³ Richard Allan Baker, *The Senate of the United States: A Bicentennial History* (Malabar: Krieger Publishing Co., 1988), p. 17.

⁴⁴ Ibid.

indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator. . . . No Senator in debate shall refer offensively to any State of the Union."⁴⁵

Procedures for Enforcing the Rules

In 1964, the Senate passed Senate Resolution 338 to create and empower the Select Committee on Standards and Conduct ("Select Committee on Ethics") "as a six-member, bipartisan committee with advisory functions and investigative authority to 'receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, and violations of rules and regulations of the Senate.'"⁴⁶ Questionable behavior was considered "improper conduct" when the circumstances "[were] so notorious or reprehensible that it could discredit the institution [of the Senate] as a whole, not just the

individual, thereby invoking the Senate's inherent and constitutional right to protect its own integrity and reputation."⁴⁷ Accordingly, the Senate characterized its "improper conduct" standard by referring to

generally accepted standards of conduct, the letter and spirit of laws and [guidance from the Committee on Rules and Administration], and by reference to past cases where the Senate has disciplined its Members for conduct that was deemed improper, regardless of whether it violated any law or Senate rule or regulation.⁴⁸

Application of the Rules

Today

Contemporary Senate proceedings require an established protocol for being recognized to participate in a current debate.⁴⁹ In addition,

⁴⁵ Butler and Wolf, *Senate Election*, p. 271.

⁴⁶ S. Res. 338, 88th Cong., 2d sess. (1964), as amended by S. Res. 110, 95th Cong., 1st sess. (1977); U.S. Senate, Select Committee on Ethics, *Senate Ethics Manual*, 104th Cong., 2d Sess., 1996, p. 4 (hereafter cited as *Senate Ethics Manual*) (The Committee's name was changed to the Select Committee on Ethics in 1977); see also *ibid.*, p. 524, n.2 ("When asked about the types of misconduct the committee might investigate, Senator John Sherman Cooper explained as follows: 'I cannot foresee every case I believe one of the great duties of such a committee would be to have the judgment to know what it should investigate and what it should not, after looking into a question.'").

⁴⁷ *Senate Ethics Manual*, p. 524.

⁴⁸ *Ibid.*, p. 525, n. 10. In 1966, the Committee on Rules and Administration proposed Senate Resolution 266, as a set of guidelines for rules of conduct. This resolution examined campaign contributions, non-Senate related employment, and financial disclosure information. *Ibid.*, p. 524. However, Senate Resolution 266 was not intended to replace generally accepted standards of behavior, and was not considered as a comprehensive code of conduct for senators. *Ibid.*, p. 525.

⁴⁹ For example Rule 19.1a of the *Senate Manual* provides, [w]hen a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed

Senate rules restrict the substance of a senator's statements made during a debate.⁵⁰ The presiding officer is responsible for maintaining the internal order of the Senate proceeding.⁵¹ If a disruption occurs in the Senate chamber, the Chairperson is obligated to restore order.⁵²

Overall, the Senate imposes standards of conduct upon its members that attempt to uphold the integrity of the legislative process and the general image of the United States, and the Senate. Although remarks made as part of legislative proceedings are protected by the Speech or Debate Clause of the Constitution, contemporary society is interested in

until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer, and no Senator shall speak more than twice upon any one question in debate on the same legislative day without leave of the Senate, which shall be determined without debate

U.S. Senate, Committee on Rules and Administration, *Senate Manual*, 103rd Cong., 1st sess. 1993, pp. 18-19 (Contemporary references to female Senators are omitted to facilitate citation).

⁵⁰ *Ibid.*, p. 19 (Rule 19.2 states "[n]o Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.").

⁵¹ *Ibid.*, p. 19. If a senator is "directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate." *Ibid.* (Rule 19.4).

⁵² *Ibid.*, p. 19 (Rule 19.6).

ensuring that its representatives reflect their political interests as well as conduct themselves in an appropriate manner. Hence, guidelines of behavior such as avoiding "improper conduct" may have further meaning when the actions in question become public knowledge.

Section B: The House of Representatives

Historical Background of Self-Regulation in the United States House of Representatives

Thomas Jefferson, while serving as Vice President of the United States and President of the United States Senate from 1797 until 1801, prepared a work that later became known as *Jefferson's Manual of Parliamentary Practice*.⁵³ In 1837, the House adopted a rule providing that the provisions of *Jefferson's Manual* would "govern the House in all cases to which they are applicable."⁵⁴ Today, the leading authority used for resolving House procedural questions is a House Document that compiles the United States Constitution, *Jefferson's Manual*, and the

⁵³ Thomas Jefferson, *Jefferson's Manual of Parliamentary Practice*, reprinted in Charles W. Johnson, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States One Hundred Fourth Congress* (Washington, DC: U.S. Government Printing Office, 1995), pp. 115-311 (hereafter cited as *Rules of the House of Representatives*).

⁵⁴ *Ibid.*, p. 768.

House Rules.⁵⁵ The conduct of Members of the House of Representatives is also regulated through a series of ethical standards found in the *House Ethics Manual*.⁵⁶

Rules Restricting Speech

The rules restricting the substance of remarks made during debate mainly attempt to avoid conflicts that could impair the ability of the House to operate effectively. The following language, adopted by the House in 1909, is particularly instructive:

It is . . . the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members or antagonism from those other branches of the Government with which the House is correlated.⁵⁷

Thus, the rules require Members to treat each other respectfully, even when a given discussion becomes heated. Similarly, the rules prohibit certain references to the Senate, individual Senators, and the President of the United States.⁵⁸ In addition, the House Rules contain a "Code of Official

Conduct," which provides that "[a] Member . . . of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives."⁵⁹ When the Committee on Standards of Official Conduct recommended this standard, it recognized its broad scope but stated that "there was a need for retaining the ability to deal with any given act or accumulation of acts which, in the judgment of the committee, are severe enough to reflect discredit on the Congress."⁶⁰

Procedures for Enforcing the Rules

The Speaker has a duty to maintain order and to enforce the rules of decorum during debates.⁶¹ If words spoken during debate are out of order, a Member or the Speaker can request that the offending words be stricken from the record.⁶² In addition, the offending Member loses the floor for the remainder of the day and may not speak without the permission of the House.⁶³ Other punishments include expulsion, censure,⁶⁴

⁵⁵ Ibid.

⁵⁶ U.S. Congress, House of Representatives, Committee on Standards of Official Conduct, *Ethics Manual for Members and Employees of the U.S. House of Representatives*, 97th Cong., 1st Sess., 1981 (hereafter cited as *House Ethics Manual*).

⁵⁷ *Rules of the House of Representatives*, pp. 174-75 (quoting a committee report adopted by the House).

⁵⁸ Ibid., pp. 174-77.

⁵⁹ Ibid., p. 768.

⁶⁰ *House Ethics Manual*, p. 4 (quoting 114 Cong. Rec. H8778 (daily ed. Apr. 3, 1968) (statement of Rep. Price)).

⁶¹ *Rules of the House of Representatives*, p. 536.

⁶² Ibid.

⁶³ Ibid., p. 537.

⁶⁴ The punishment of censure requires the Member to "stand in the well of the House and be publicly

reprimand, fine, and any other sanction deemed appropriate.⁶⁵ The *House Ethics Manual* indicates that an additional option, the issuance of a "Letter of Reproval," is also available.⁶⁶

Other ethical violations that may occur during the daily operations of the House can be brought to the House Committee on Standards of Official Conduct. The Committee on Standards of Official Conduct is authorized to investigate possible violations of the law or the House Rules, to "recommend to the House 'administrative actions' deemed appropriate to enforce standards of conduct," and to report any violations of the law to the appropriate authorities.⁶⁷

Application of the Rules Today

Members of
Congress used to go

admonished by the Speaker." Congressional Quarterly, Inc., *Guide to Congress* (Washington, DC: Congressional Quarterly, Inc., 1982), p. 838.

⁶⁵ Laura Krugman Ray, "Discipline through Delegation: Solving the Problem of Congressional Housecleaning," *U. Pitt. L. Rev.*, vol. 55, 1994, p. 415 (hereafter cited as "Discipline through Delegation").

⁶⁶ *Ibid.* (citing the 1992 version of the *House Ethics Manual*). The 1981 version of the *House Ethics Manual* adds that the Committee on Standards of Official Conduct may demand an apology from the offending Member. *House Ethics Manual*, p. 11.

⁶⁷ *House Ethics Manual*, p. 11.

to very great lengths to praise their colleagues, even in disagreement. . . .

This restraint has changed. In the past decade, there have been many more incidents of personal animosity reflected in heated comments on the floor or in committee. Epithets like "liar" are used; personal motives or abilities are questioned. Shouting matches, if not commonplace, are no longer remarkable or notable.⁶⁸

This comment, which was made in 1987, would seem to indicate that many Members of the House have been punished for making improper remarks during debates. However, as of 1994, only eleven Members had ever been censured for improper or treasonous remarks,⁶⁹ and all but one of those cases occurred in the nineteenth century.⁷⁰

A review of the House Rules on debate reveals that racially biased or prejudicial

⁶⁸ Norman J. Ornstein, "The Open Congress Meets the President," in *Congress and Public Policy: A Source Book of Documents and Readings*, eds. David C. Kozak, Ph.D. and John D. Macartney, Ph.D. (Chicago: The Dorsey Press, 1987), p. 394.

⁶⁹ "Discipline through Delegation," p. 413.

⁷⁰ U.S. Congress, Joint Committee on Congressional Operations, 93d Cong., 1st Sess., *House of Representatives Exclusion, Censure and Expulsion Cases from 1789 to 1973*, 1973, p. 137.

remarks are not expressly prohibited. The Rules only proscribe the making of comments that directly criticize another Member. In addition, House precedents indicate that no Member has been punished for making racially biased remarks.

Section C: Incidents at the White House

In addition to the comments made by Congressmen, related incidents were reported at the White House. Members of the President's security staff, charged with the duty of implementing the precautionary procedures for admitting guests into the White House, allegedly assumed that some Asian American visitors were foreign. During one such incident in July 1997, a White House security guard called the aide who had given clearance for the guests to enter and explained that he thought the guests' names "looked 'foreign, you know, Asian, Chinese.'" *The Washington Post* reported that on other occasions, Asian American guests were questioned about their citizenship at the White House gate. In addition, Asian Americans touring the White House were reportedly prevented from taking

photographs.⁷¹ The final incident occurred when Commissioner Yvonne Y. Lee, of the U.S. Commission on Civil Rights, was a guest at the White House in September 1997. *The Washington Post* reported that when Commissioner Lee arrived at the White House, a Secret Service employee amended the guest list by changing her citizenship from American to "foreign."⁷² According to some community leaders, incidents such as these in which Asian Americans were presumed to be foreign, were part of the fallout from the campaign finance controversy.⁷³

Part III: Political Participation of Asian Pacific Americans

Section A: Asian Pacific American Participation in Politics

Asian Pacific Americans continue to struggle for representation among the nation's political institutions. It was not

⁷¹ Lena H. Sun, "Asian Names Scrutinized at White House: Guards Stopped Citizens Who Looked 'Foreign,'" *The Washington Post*, Sept. 11, 1997, p. A-1. *The Washington Post* reported that "[t]he incidents involving the White House were not included in the [Petition] because some of the individuals involved did not want their names publicized for fear of jeopardizing their jobs." *Ibid.*

⁷² *Ibid.*

⁷³ OGC Staff Interview with Daphne Kwok, Executive Director, Organization of Chinese Americans, Oct. 27, 1997 (hereafter cited as Kwok interview).

until the mid-1970s before Asian Americans achieved a degree of consistent representation in Congress. In 1974, Norman Mineta, mayor of San Jose, California, was elected to the U.S. House of Representatives and in 1976, S. I. Hayakawa, became the first person from the mainland to be elected to the U.S. Senate.⁷⁴ Two years later, Robert Matsui, formerly a member of the Sacramento City Council, was elected to the House.⁷⁵

Despite the growing Asian American population and the increased involvement in politics, commentators note that Asian Americans have not matured as a political force in gaining the degree of political power that might be expected by their numbers.⁷⁶ Often cited reasons include, discriminatory laws that barred Asians from becoming citizens until the 1950s, the reluctance of immigrants to participate because they came from repressive political systems, language barriers, and large numbers of immigrants who have not

naturalized.⁷⁷ Historically, Asian Pacific Americans have also had low voter participation rates.⁷⁸

In the 1994 election, 21.8% of Asian or Pacific Islanders 18 years old or older voted compared to 47.3% white, 37.1% black and 20.2% of the Hispanic population. Part of the low participation rate is due to large numbers of non-citizens who are not eligible to vote. Voter turnout rises significantly when comparing the citizen population. In the same election year, 39.4% of citizen Asian or Pacific Islanders voted compared to 50% white, 38.9% black, and 34% of Hispanic citizens.⁷⁹ Nonetheless, Asian or Pacific Americans comprise only 1.5% of citizens who voted in the election.⁸⁰

Recently, Asian Americans have become more active in politics in terms of voting, contributing money, and holding elected offices.

⁷⁴ Sucheng Chan, *Asian Americans, An Interpretive History* (Boston: Twayne Publishers, 1991), p. 173.

⁷⁵ *Ibid.* Currently, there are six voting Asian or Pacific Islander members of Congress, all from California or Hawaii. They are, Sen. Daniel K. Akaka (D-HI); Sen. Daniel Inouye (D-HI); Rep. Robert Matsui, (D-CA); Rep. Jay Kim (R-CA); and Patsy T. Mink (D-HI). McClain and Stewart, "Can We All Get Along?" p. 98.

⁷⁶ "Asian Americans' Political Mark: 1996 Will Go Down As a Defining Year for Fast-Growing Minority," *Los Angeles Times*, Nov. 25, 1996, p. B4.

⁷⁷ Connie Kang, "Asian Americans Slow to Flex their Political Muscle," *Los Angeles Times*, Oct. 31, 1996, p. A1.

⁷⁸ See, McClain and Stewart, "Can We All Get Along?" pp. 77-79; USCCR, *Civil Rights Issues Facing Asian Americans*, pp. 157-159; Bai, *Affirmative Pursuit of Political Equality for Asian Pacific Americans*, pp. 736-38 (1991).

⁷⁹ U.S. Bureau of the Census, *Percent of Population Voting by Citizenship Status and Selected Demographic Characteristics: November 1994* (released Sept. 1996).

⁸⁰ Of the 177.26 million citizens who voted in the 1994 election, 2.7 million were Asian or Pacific Islanders. U.S. Bureau of the Census, *Percent of Population Voting by Citizenship Status and Selected Demographic Characteristics: November 1994* (released Sept. 1996).

Recognizing the need for Asian Americans to vote in order to gain political strength, community organizations held naturalization workshops and voter registration drives to increase the number of eligible voters.⁸¹ The *Los Angeles Times* observed: "1996 was a defining moment in the politicization of Asian Americans. There was a surge in citizenship, voter registration and the turnout at the polls, and the result was a higher profile in elected offices."⁸² Asian American organizations have worked to increase political power of the Asian Americans by encouraging people to participate in elections. They helped to register 75,000 new voters in 1996.⁸³

According to estimates by fund-raisers, Asian Americans gave a combined total of at least \$10 million to both parties during the 1996 presidential campaign.⁸⁴

Greater interest in politics in recent years is indicated by an increase in the numbers of Asian Pacific American Government officials. A study by the Asian American Studies Center at the University of California at

Los Angeles, found a substantial increase in the number of Asian Americans at all levels of government. According to the study, over 1,200 Asian Americans hold political positions ranging from Federal to municipal levels in 31 States, Guam, and the Northern Mariana Islands. This showed significant gains when compared to a similar report compiled in 1978 which found that there were only a handful of Asian Pacific American politicians outside of Hawaii.⁸⁵ Some community leaders are particularly concerned that, to the extent that the fundraising controversy has resurrected old prejudices, it will set back recent gains in getting Asian Pacific Americans more active in politics.⁸⁶

Section B: Effects of the Campaign Finance Controversy on Asian American Political Candidates

Representation as elected and appointed government officials is an important component of political power. According to authors Paula D. McClain and Joseph Stewart, Jr., "[I]ndividuals within the structures of government have tremendous influence on the

⁸¹ Connie Kang, "Asian Americans Slow to Flex their Political Muscle," *Los Angeles Times*, Oct. 31, 1996, p. A1.

⁸² "Asian Americans' Political Mark; 1996 Will Go Down as a Defining Year for Fast-Growing Minority," *Los Angeles Times*, Nov. 25, 1996, p. B4.

⁸³ Terry M. Neal, "Asian American Donors Feel Stigmatized; DNC Puts Unwanted Focus on Growing Political Group," *Washington Post*, Sept. 8, 1997, p. A1.

⁸⁴ *Ibid.*

⁸⁵ New UCLA Political Roster Shows Dramatic Rise in Political Representation of Asian Americans in American Politics (visited Nov. 2, 1997) <<http://www.mit.edu/activities/aar/ucla.txt>>.

⁸⁶ Peution, pp. 20-21. "Each of these incidents alone is not the problem. . . . The long-term worry is that the constant focus on race surrounding this issue is adding to a drumbeat of general suspicion about Asian Pacific American involvement in politics." Norman V. Mineta, "A Campaign Against Asians," *San Francisco Chronicle*, Aug. 25, 1997

policy outputs from those structures. It becomes necessary, therefore, for groups to have significant presence in these institutions if they are to affect the policy process. . . . Policies of both the U.S. and state governments have directly affected the ability of racial minorities to gain access to and participate in the political process.⁸⁷

Petitioners allege that the campaign finance controversy has had a damaging impact on Asian Pacific Americans seeking an appointed or elected office. "The impact of the steady onslaught of discriminatory messages has been particularly damaging to the political aspirations of, and participation by, Asian Pacific Americans. As the media spotlight turned on Asian Pacific Americans during the 1996 campaign, Asian Pacific American political leaders reported that political participation by the community dropped because people feared unwanted attention generated by the various governmental and media investigations."⁸⁸

⁸⁷ McClain and Stewart, "Can We All Get Along?" p. 89.

⁸⁸ Petition, p. 20 (citing Iritani, "foreign Donation Furor Dampens Fund Raising," *Los Angeles Times*, Oct. 21, 1998, P. A1; Jason-Han, "Asian Americans, feeling burned, press for top federal posts," *Agence France Presse*, Nov. 21, 1996. The Petition stated that "[s]ome potential candidates have expressed a reluctance to run for office." Petition, p. 20 (citing Neal, "Asian American Donors Feel Stigmatized," *Washington Post*, Sept. 8, 1997, p. A1). The Petition also alleged that "[s]ome supporters of Washington gubernatorial candidate Gary Locke, a Chinese

The success of an elected Asian American candidate depends on the ability to build a broad coalition of support across ethnic groups. Outside of Hawaii, few voting districts are majority Asian American. The ability to raise money and get a message out to a broad base of voters is essential. Although Asian Americans may comprise a small percentage of candidate's voting district, they are an important source of funding for Asian American candidates, particularly in the early part of a campaign. Candidates frequently engage in fundraising activities in Asian American communities outside of their voting district.⁸⁹ For example, Gary Locke's campaign for governor of Washington State benefited from fundraising in Asian American communities throughout the country.⁹⁰

Some community leaders and individuals fear that one effect of the campaign finance controversy is a reluctance by Asian Americans to donate to political campaigns. "Polls indicate that Asian Americans are now less interested in political donations and are potentially less interested in

American, were deterred from attending a Los Angeles fund-raiser last year because of the controversy." Petition, p. 20 (citing Sun, "Some Asian Americans Fear Reduced Political Involvement After DNC Flap," *Washington Post*, Nov. 20, 1999, p. A6.

⁸⁹ OGC staff interview with Michael Woo, former Council Member, Los Angeles, CA, Nov. 3, 1997 (hereafter cited as Michael Woo Interview).

⁹⁰ Narasaki Interview.

political involvement.⁹¹ The personal experience of California Assemblyman Mike Honda seems to corroborate the polls: He reports that many people have told him they are concerned about participating in political fund-raisers because they don't want to be targeted for review. Honda said the fundraising controversy has caused a definite "chilling" effect; he noted that it is especially foreign-born Asian Americans who are more cautious and more reluctant to participate.⁹²

By refusing to give financial support, regardless of a candidate's ethnicity, Asian Americans will not be heard and issues pertaining to them will not be noticed. For Asian American candidates, the erosion of a traditional base of support may make fundraising more difficult.⁹³

Political candidates are not immune to perceptions of Asian Americans as foreigners,

which media critics allege, are fanned by recent coverage of the campaign finance controversy. Matt Fong, a candidate for U.S. Senate and a third or fourth generation Chinese American, was reportedly asked during an interview with a national reporter, "is it true that if you are of Chinese ancestry, that because of your historical ancestral roots, that your loyalties, no matter where you live, still go back to China?"⁹⁴

Section C: Legislative Proposals

Shortly after the 1996 Presidential election - and in response to the campaign finance controversy - both Democratic and Republican members of the U.S. House and Senate introduced nine bills to prohibit campaign contributions by legal permanent residents.⁹⁵ Some of the bills would bar independent expenditures by legal permanent residents as well.⁹⁶ All of the bills

⁹¹ Stewart Kwoh, "Don't Let Attacks Stop Momentum," *Los Angeles Times*, Sep. 25, 1997.

⁹² OGC staff interview with Mike Honda, California Assemblyman, Oct. 31, 1997 (hereafter cited as Honda Interview).

⁹³ Note, however, that some Asian American candidates are finding the opposite effect. For example, Matt Fong, the Treasurer of the State of California, is currently campaigning for the United States Senate. Since the controversy surrounding the fundraising issue surfaced, Fong reports seeing an increase in financial contributions from the Asian American community, which he believes is a "symbolic show of solidarity." Says Fong: "There seems to be a backlash...many who were mistreated want to prove and demonstrate their right to participate, to vote, to endorse, and to give money...." OGC Staff Interview with Matt Fong, California State Treasurer, Nov. 10, 1997 (hereafter cited as Fong Interview).

⁹⁴ Fong Interview.

⁹⁵ H.R. 140, 105th Cong., 1st Sess. § 5 (1997) (introduced on January 7, 1997 by Rep. Dingell, D-Mich.); H.R. 179, 105th Cong., 1st Sess. § 7 (1997) (introduced on January 7, 1997 by Rep. Goodling, R-Penn.); S. 95, 105th Cong., 1st Sess. § 203 (1997) (introduced on January 21, 1997 by Sen. Dorgan, D-N.D.); H.R. 767, 105th Cong., 1st Sess. § 3 (1997) (introduced on February 13, 1997 by Rep. Knollenberg, R-Mich.); S. 25, 105th Cong., 1st Sess. § 306 (1997) (introduced on January 21, 1997 by Sen. McCain, R-Ariz.); H.R. 493, 105th Cong., 1st Sess. § 241 (1997) (introduced on January 21, 1997 by Sen. Hutchison, R-Tex.).

⁹⁶ H.R. 34, 105th Cong., 1st Sess. § 1 (1997) (introduced on January 7, 1997 by Rep. Bereuter, R-

would alter existing Federal law which prohibits "foreign nationals" from making political contributions but expressly allows legal permanent residents and citizens to make such contributions.⁹⁷ Senator Lloyd Bentsen noted in introducing the provision that currently confers upon permanent residents the right to contribute:

There are many resident immigrants in the United States who have lived here for years and who spend most of their adult lives in this country; they pay American taxes and for all intents and purposes are citizens of the United States except perhaps in the strictest legal sense of the word. These individuals should not be precluded from contributing to the candidate of their choice.⁹⁸

The Asian Pacific American Petition alleges that private donations are an integral part of our political system and legal immigrants should not be barred from contributing to campaigns. The Petition alleges further that the bills in Congress would have a distinctly racial

impact because Asian Pacific Americans and Latinos comprise a majority of this nation's non-citizens.⁹⁹

Finally, the Petition alleges that the proponents of the bills have produced no evidence that legal permanent residents are more likely than citizens to engage in money laundering on behalf of foreign governments. It would be difficult to produce such evidence, according to the Petition, because the Federal Election Commission (FEC) has no statistics on the amount of campaign contributions made by legal permanent residents as compared to citizens, nor does the FEC keep statistics on the number of violations of Federal law committed by legal permanent residents as compared to citizens.¹⁰⁰

A memorandum produced by the law firm of Covington & Burling and the National Asian Pacific American Legal Consortium on May 8, 1997, argues that each of the proposed bill raises "serious First Amendment concerns." In summary, the memorandum argues the following: Campaign contributions and expenditures are forms of political speech protected by the First Amendment. Courts have held that restrictions on political speech are subject to the highest level of First Amendment scrutiny. As a result, to be constitutionally permissible, any such restrictions must be a

N.H.); S 11, 105th Cong., 1st Sess. § 607 (1997) (introduced on January 21, 1997 by Sen. Daschle, D-S.D.)

⁹⁷ 2 U.S.C. § 441e.

⁹⁸ 120 Cong. Rec. 8783 (daily ed. March 26, 1974).

⁹⁹ Ibid., p. 6.

¹⁰⁰ Ibid.

narrowly focused means of achieving a sufficiently important State interest. In these bills, the argument goes, the professed justifications for a ban on contributions or expenditures by legal permanent residents are so weak, and the prohibition so broad, that the proposed bills cannot possibly meet this test.¹⁰¹

None of the bills has been passed by both houses of the United States Congress. The difficulty of passing such a bill was dramatically illustrated when the "McCain-Feingold" bill failed to be passed by the Senate in February, 1998. The well-known piece of legislation, Senate Bill 25, would have banned "soft money" donations that are supposed to be used for general political purposes but instead often wind up financing individual candidates. Supporters of the legislation - sponsored by Senators John McCain (R-Ariz.) and Russ Feingold (D-Wis.) - failed to win enough votes to end a Republican filibuster.¹⁰²

Section D: The DNC Audit

In November 1996, following allegations of improper political contributions solicited by three individuals (John Huang,

Charles Trie, and Johnny Chung) and at an April 1996 event at the Hsi Lai Buddhist Temple in California, the Democratic Party, through its governing arm, the Democratic National Committee ("DNC"), directed an audit of certain contributions made in 1994-1996.

Approximately 1,200 contributions were reviewed. They were reportedly selected based on seven criteria. In addition to contributions solicited by Huang, Trie and Chung, and contributions made in connection with the Hsi Lai Buddhist Temple in California, auditors investigated all contributions from any contributor who contributed \$10,000 or more in the years 1994, 1995, or 1996, and all contributions above \$5,000 made "in connection with any DNC fundraising event involving the Asian Pacific American community."¹⁰³

The contributors who were investigated were telephoned and questioned about their citizenship, source of the donation, personal finances (including employment, annual income, and assets). They were also asked to authorize the release of a credit report to the DNC. Some were allegedly told that if they refused to provide all the requested information, their

¹⁰¹ See "Protecting the Rights of Legal Permanent Resident," a memorandum produced by the law firm of Covington & Burling and the National Asian Pacific American Legal Consortium, May 8, 1997.

¹⁰² Foster, "Senatorial Hypocrisy Safeguards the Mess," *Milwaukee Journal Sentinel*, March 3, 1998, p.8.

¹⁰³ Written statement of Judah Best of Debevoise & Plimpton at DNC Press Conference, February 28, 1997.

names would be released to the press.¹⁰⁴

Petitioners allege that the DNC audit was an "overbroad and unjustified sweep" and that the manner in which names were selected for investigation appears to be "racially discriminatory, singling out Asian Pacific Americans not based upon a connection with suspected individuals or events, but upon their Asian surnames."¹⁰⁵ One of the Petitioners, Dr. Suzanne Ahn, a practicing Neurologist in Dallas, Texas, and longtime political contributor to both political parties, said in an interview that she was so upset by the questions being posed during the audit that she located an attorney in the Washington, D.C. law firm of Debevoise & Plimpton, the firm that was in charge of the audit. According to Dr. Ahn, this

¹⁰⁴ In separate interviews, petitioners Dr. Suzanne Ahn and Charles Woo said they were told by auditors that a failure to provide all the information requested by the DNC would result in names being released to the press. Petitioner Anthony Chung says he was told that non-compliance would result in his contribution being "invalidated." See OGC Staff Interview with Suzanne Ahn, M.D., Oct. 28, 1997 (hereafter cited as Ahn Interview); OGC Staff Interview with Charles Woo, Founder Megatoys, Oct. 30, 1997 (hereafter cited as Charles Woo Interview); and OGC Staff Interview with Anthony Ching, Nov. 5, 1997 (hereafter cited as Ching Interview). A memorandum issued on February 28, 1997 by the Democratic National Commission stated that auditors were instructed to say the following with respect to compliance with the request for information: "Please understand that if we do not get enough confirming information, the Democratic National Committee may have no choice but to return the money to you and report this fact to the Federal Election Commission."

¹⁰⁵ Petition, p. 10.

attorney "admitted that the people they were auditing were people with Asian surnames." She added that she also located a person at the firm of Ernst & Young - the accounting firm hired to conduct the audit itself - who told Dr. Ahn that all the names on his list of people to audit had Asian surnames.¹⁰⁶

To further support their assertion that the audit was overly broad, the Petitioners state that of the 1,200 contributions reviewed, the DNC returned contributions from 77 persons, or 6.4% of those audited. Moreover, claims the Petition, the majority of the contributions were returned due to "insufficient information" rather than any established impropriety.¹⁰⁷

Section E: DNC Policy Concerning Legal Permanent Residents

At the time of the Asian Pacific American briefing before the Commission, DNC policy expressly prohibited political contributions from

¹⁰⁶ Ahn Interview.

¹⁰⁷ Petition, pp. 10-11. See also "Democratic News," a press release from the Democratic National Committee dated Feb. 28, 1997, announcing the new compliance procedures and results of the DNC internal review. According to the release, "[t]he review, along with prior returns, resulted in 172 total returned contributions which represent .006% of the 2.7 million contributions received for the 1994-1996 period and \$2.97 million in total returns, which represents 1.3% of all contributions raised for the period. 75.3% of returned donations, including previous returns, were made by or solicited by three individuals (Johnny Chung, John Huang, and Charlie Trie)."

legal permanent residents (green card holders). Before and during the briefing, a number of Petitioners expressed concern regarding the DNC's position on the matter.¹⁰⁸ Several months later, in March, 1998, the DNC issued new guidelines which permitted green card holders to make contributions. Following is a brief summary of certain DNC policy changes that took place between February 1997 and March 1998 in connection with fundraising matters.

On February 28, 1997, in a press conference announcing the results of the DNC audit, DNC General Chairman Roy Romer and DNC Executive Director Steve Grossman announced a change in DNC policy in response to the allegations of improper fundraising. The DNC stated that it would no longer accept:

Any contribution from any individual who is not a U.S. citizen.

Contributions from legal permanent residents (green card holders), which are now lawful.

Any contribution from a U.S. subsidiary of a foreign company or any other corporation which is majority-owned by non-U.S. citizens.¹⁰⁹

Furthermore, under the DNC policy, any person who was not a U.S. citizen was not permitted to attend the following DNC events (unless such person was accompanying a family or household member who was a U.S. citizen):

Any event at the White House or Vice President's residence.

Any Finance event at any other location, where the President, Vice President, First Lady or Mrs. Gore will appear, and less than 200 people are expected to attend.

Any DNC Finance event, where attendees will be allowed to have their picture taken with the President, Vice President, First Lady or Mrs. Gore, or who will be seated at a table with any of these principals or with DNC officers.¹¹⁰

Petitioners alleged that the DNC policy constituted "racial stigmatization," that it infringed upon First Amendment rights of Asian Pacific Americans and legal immigrants, and that it presumed that legal permanent residents were "inherently untrustworthy and more likely to participate in international conspiracies to corrupt American elections than anyone else."¹¹¹

¹⁰⁸ See *infra*.

¹⁰⁹ DNC Compliance Procedures and Fundraising Manual, Executive Summary, February, 1997.

¹¹⁰ *Ibid*.

¹¹¹ Petition, pp. 11 - 12. Petitioner Charles Woo, founder of the Megatoys company in Los Angeles, said he believed that the DNC policy was "very

One year later, the DNC again revised its policies.

According to the "DNC Fundraising & Compliance Manual" issued in March, 1998, the DNC may accept contributions from "an individual only if he or she is a U.S. citizen or legal permanent resident of the U.S. (green card holder), living in the U.S."¹¹² Furthermore, according to the Fundraising Manual, "the DNC will not accept any contribution from a U.S. subsidiary of a foreign corporation or any other foreign-owned corporation."¹¹³

The March, 1998 DNC Fundraising Manual does not specifically ban any particular category of individuals - such as non-U.S. citizens - from attending DNC

unfair" because campaign contributions "are a form of expression and free speech." And California State Treasurer Matt Fong said that many Asian Americans thought the policy was a "slap in the face" by the DNC, saying:

"Some people felt that here they are, they pay taxes, they are eligible [for the] draft if there ever is one.... [Now the DNC is] telling green card holders, 'you are second class citizens and even though the law says we can accept [your] money, we don't want it.'"

See Charles Woo Interview; and see OGC Staff Interview with Matt Fong, California State Treasurer, Nov. 10, 1997 (hereafter cited as Fong Interview).

¹¹² DNC Fundraising & Compliance Manual, March, 1998, Part I, Legal Guidelines for Fundraising, p. 4. (Emphasis in original).

¹¹³ Ibid., p.7. The Fundraising Manual goes on to say that "This restriction applies to any corporation the majority of the ultimate beneficial ownership of which is held by persons who are not citizens or legal permanent residents of the United States. Thus, if more than 50 percent of the stock of a corporation is owned, ultimately, by an individual or individuals who are not U.S. citizens, or legal permanent residents of the U.S., this restriction will apply." Ibid.

activities at the White House or anywhere else. However, if:

- a) an event will be held at the White House or Vice President's residence; or
- b) ~~an event is~~ scheduled at which fewer than 200 persons are expected to attend (exclusive of government officials, DNC officials or staff, and volunteers); or
- c) a person will be afforded an opportunity to have a photograph taken with the President, Vice President, First Lady or Mrs. Gore; or
- d) a person will be seated at a table with the President, Vice President, First Lady, Mrs. Gore, the DNC National Chair, the DNC General Chair, the DNC National Finance Chair or the DNC Treasurer; or
- e) a person will officially greet and/or appear on stage with the President, Vice President, First Lady, or Mrs. Gore

Then, according to the Fundraising Manual, the name, address (home), occupation, employer, and citizenship of these individuals (including staff and volunteers) must be submitted to the DNC's Office of the Compliance Director seven days before the event.¹¹⁴ ~~The Compliance Director's~~ Office will then "conduct

¹¹⁴ Ibid., pp. 9-10. Note that there is a provision allowing names to be added to the list up until twenty-four hours before the scheduled commencement of the event. Ibid.

research" on each individual whose name is required to be submitted, and

"[b]ased on this research and other inquiries where appropriate, the Office of Compliance Director will identify any person on the list (1) who is not a citizen of the United States, or legal permanent resident of the U.S. living in the U.S. (unless such person is accompanying a spouse or member of immediate family or household who is a citizen, or legal permanent resident), (2) who would not be permitted to contribute to the DNC (unless such person is accompanying a spouse or member of immediate family or household not barred from contributing to the DNC) or (3) whose attendance at the event might be deemed inappropriate."¹¹⁵

Finally, once these individuals are identified, a decision is made regarding whether the individual can attend the event. The Fundraising Manual points out that "[t]he decision that an individual may not attend an event is not made by the DNC Compliance Division. In order to maintain the integrity of the process, the ultimate decision rests outside of the Compliance Division. The

final decision is made by the National Chair, after any necessary consultation with the White House."¹¹⁶

Section F: The National Republican Senatorial Committee

The Petitioners allege that the National Republican Senatorial Committee has contributed to anti-Asian and anti-immigrant sentiment created by the campaign finance controversy by mailing out a fundraising letter that accused President Clinton of selling the Office of the Presidency "for ILLEGAL FOREIGN CASH," and auctioning off the Presidency "to foreign businessmen and government including Red China, which still considers itself a Communist country!!"¹¹⁷ The Petitioners allege that the language of the letter was "inflammatory," that it appealed to "xenophobia with racial undertones," and that such sentiment can lead to "dangerous spillover effects" upon Asian Pacific Americans.

Part IV: The Media

Section A: Media Portrayal of Asian Americans in Campaign Finance Reform Stories

The criticisms surrounding media coverage of Asian Americans are not unique to the current campaign

¹¹⁵ Ibid., p. 10.

¹¹⁶ Ibid.

¹¹⁷ Petition, p. 12 (emphasis in original).

controversy, but arise through existing practices in news stories about Asian Americans. In its report, *Civil Rights Facing Asian Americans in the 1990s*, the Commission noted that the news media perpetuated stereotypes of Asian Americans by failing to distinguish between Asians, who are citizens of other countries, and Asian Americans, who are citizens or intending citizens of the U.S. Because of the blurred distinction, media stereotypes of foreign Asians has colored the public's perception of Asian Americans.¹¹⁸ The Commission's report also found that stories about Asian Americans tended to focus on immigration. This focus, coupled with the lack of stories depicting Asian Americans as mainstream citizens, contributes to the perception of Asian Americans as foreigners.¹¹⁹ A more recent survey of Asian American journalists revealed continuing criticisms with media coverage of Asian Americans. The most frequently identified issues were: 1) not enough coverage of Asian Americans; 2) the use of stereotypes; and 3) too much negative coverage of Asian Americans.¹²⁰

¹¹⁸ USCCR. *Civil Rights Facing Asian Americans*, p. 181.

¹¹⁹ *Ibid.*, pp. 181-82.

¹²⁰ Virginia Mansfield-Richardson, associate Professor of Communications, Pennsylvania State University. "A Survey of Asian American Journalists," (paper presented at the 1997 Annual Conference of the Association for Education in Journalism and Communication) pp. 24-25.

Previously identified problems with the media's coverage of Asian Pacific Americans intensified as stories about the campaign controversy grew. Critics allege that that the media coverage of the controversy has reinforced the stereotype of Asian Americans as foreigners by loosely designating those involved as "Asians;" by focusing coverage on alleged improper contributions by Asian sources; and using "guilt by association" to imply a connection between innocent Asian American individuals, and those individuals and groups currently under investigation.¹²¹

Some groups joined together to protest media coverage of the campaign finance controversy. In October 1996, members of the Asian Pacific American community in Southern California held a press conference and released a letter to the editors of the *New York Times*, the *Wall Street Journal*, and the *Washington Post* to protest what they viewed as unfair coverage of the campaign finance controversy.¹²² In

¹²¹ Finucane Interview; OGC Staff Interview with Frank Wu, Associate Professor, Howard University School of Law; Nov. 7, 1997 (hereafter cited as Wu Interview); Petition, pp. 14-19.

¹²² "[Y]our stories questioning the motives behind campaign contributions made by non-American entities, including Indonesian and South Korean companies, have irresponsibly linked these non-American interests to the political agenda of the Asian Pacific American (APA) community.... APAs are registering to vote at a record rate, actively

November 1996, several national Asian American organizations held a press conference on Capitol Hill to protest the media's treatment of Asian Americans in the campaign finance controversy and its negative effects on political participation of Asian Pacific Americans.¹²³

Section B: Stereotypes¹²⁴

Petitioners criticize the use of stereotypes in the media's coverage of the campaign finance controversy. "Asians and Asian Pacific Americans were frequently described in the media as 'mysterious' and 'strange.'" ¹²⁵ One observer noted that there was a "yellow peril slant" and that there appeared to be a "scare factor" in singling out Asian and Asian American donors.¹²⁶

Another issue which reinforces the perception of Asian Americans as foreigners is the media's failure to distinguish between "Asian," which connotes a foreign national, and "Asian

American," which refers to U.S. citizens and legal permanent residents.¹²⁷ According to one critic, headlines referring to "Asians in U.S." are not appropriate because such headlines cast Asian Pacific Americans as transient visitors.¹²⁸ The distinction is particularly important because

Asian Americans may legally donate to campaigns while foreign nationals may not.¹²⁹

Section C: Unbalanced Coverage

Petitioners allege that media has "racialized" coverage of the campaign finance controversy.¹³⁰ They contend that while the problem of campaign fundraising abuses is a broad problem, the media's focus on Asian Americans portrays this group as the source of all campaign

participating in public policy debates and achieving greater representation in elected appointed offices. The tragic reality of campaign fundraising has ostracized a growing political force. "Members of the Asian Pacific American Community in Southern California Release Letter to Media," *Business Wire*, Oct. 23, 1996

¹²³ Aziz Haniffa, *Ethnic NewsWatch, India Abroad*, Nov. 1, 1996, p. 12.

¹²⁴ Stereotypes are discussed more extensively in an earlier section of this paper (See, Part I, Section D and Part II).

¹²⁵ Petition, p. 15.

¹²⁶ PAU Staff Interview with Caryl Rivers, Professor, College of Communication, Boston University, Nov. 3, 1997 (Hereafter cited as Rivers Interview).

¹²⁷ Helen Zia, "Campaign Fundraising—Is the Focus on Asian Americans Fair?" *News Watch*, Sept. 1997; Wong Interview. "What I resent bitterly is that the media and some politicians deliberately failed to distinguish between Asians and Asian-Americans in this scandal. No matter how I succeed or try, because I have almond eyes and high cheekbones and dark hair, I'm always seen as a foreigner." James Sterngold, "For Asian-Americans, Political Power Can Lead to Harsh Scrutiny," *New York Times*, Nov. 3, 1996, p. 36.

¹²⁸ Finucane Interview. See also, Wu and Nicholson, "Have You No Decency?," pp. 16-17 (...tension[s] between the realities of race and the recognition of race justifies neither the negligent nor the purposeful confusion of citizens and foreigners. The media sharpened the line between Asians and other foreign nationals while it blurred the line between Asians and Asian Pacific Americans.)

¹²⁹ Petition, p. 18.

¹³⁰ *Ibid.*, p. 14.

finance problems.¹³¹ Another critic asserts, for example, that Presidents Reagan, Bush and Clinton have all used the White House to maintain donors, if not to solicit funds. However, until now, there has been little controversy over that practice.¹³² Petitioners point to headlines such as "Asiagate," "Lippogate," "Chinagate," and "Chop Sueygate"¹³³ as examples of unfairly centering campaign finance problems on an Asian and Asian Americans.

While the media focused on Asians and Asian Americans in the campaign finance controversy, it paid little attention to campaign violations by non-Asian individuals or corporations. Critics point out that there was scant coverage of a record setting \$8 million fine for illegal campaign contributions by a Pennsylvania landfill company for funneling \$129,000 in illegal corporate donations to political candidates which included the Bill Clinton and Bob Dole presidential campaigns.¹³⁴ In July 1996, Simon Fireman, a fund raiser for the Dole campaign agreed to pay \$6 million in personal and corporate fines for \$120,000 in illegal contributions.¹³⁵ Petitioners

also criticize the lack of media interest in White House coffees with banking, tobacco, and telecommunications interests, and others.¹³⁶

"[M]edia interest in these scandals was short-lived and rarely lasted longer than a few days. Instead, the various Congressional probes and the multitude of news investigations narrowed their sights on the 'Asian connection,' even though less than 2% of the \$200 million in soft money comes from Asian Pacific American sources."¹³⁷

Attempts to call attention to racial bias depend in part on the media's interest in reporting about the issue. Petitioners state that there has been little or no coverage of racially offensive remarks by public figures. They cite as examples Senator Sam Brownback's joke, "two Huangs don't make a right," and Sen. Brownback's comment, "no raise money, no get bonus."¹³⁸ Petitioners also point to scarce coverage of their attempts to bring the issue of racial stereotyping to the public's attention. In particular, they state that there was little mention of protests over the March 24, 1997, cover of the National Review which depicted President and Mrs. Clinton as well as Vice President Gore with slanted eyes and buck

¹³¹ Joann Lee, "Media Stereotypes and Asian Americans, A Case in Point," *The Diversity Factor*, Spring 1997, p. 37.

¹³² Finucane Interview.

¹³³ Petition, p. 14.

¹³⁴ Ruth Marcus, "Firm to Pay \$8 Million Fine for Illegal Campaign Gifts," *Washington Post*, p. A1.

¹³⁵ *Ibid.*; Petition, p. 16; Finucane Interview.

¹³⁶ Petition, p. 16.

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*, p. 18.

teeth.¹³⁹ When attempting to address issues of racial bias, advocates are confronted by allegations from the media that they are "playing the race card" in defense of wrongdoers. Such allegations, these advocates maintain, prohibit a discussion on legitimate issues of race.¹⁴⁰

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¹³⁹ Ibid.

¹⁴⁰ Kearn Interview, Helen Zia, "Campaign Fundraising, Is the Focus on Asian Americans Fair?" *News Watch*, Sept. 1997; Petition, pp. 14-15.

APPENDIX A

Major Figures Involved in the Campaign Finance Controversy

The following individuals and groups have been identified by Congress and the media as key players in the controversy surrounding campaign finance and alleged improper influence by Asian foreign sources.¹

The Riady Family

The Riady family, headed by Mochtar Riady, controls the Lippo Group, a large Indonesian banking and real estate conglomerate. Mr. Riady's son, James Riady, lived in Little Rock, where he ran a bank owned in part by the Lippo Group. While in Little Rock, James Riady met then Governor Bill Clinton. Since Clinton was elected in 1992, James Riady has made at least 20 visits to the White House and met privately with the President three times.

In 1984, the Lippo Group purchased Bank of Trade in Los Angeles. Now known as Lippo Bank, its top U.S. executive was John Huang. Federal Election Commission records indicate that James Riady and Lippo executives contributed in excess of \$700,000 to the DNC since 1991.

Arief and Soraya Wiriadinata

Arief and Soraya Wiriadinata are an Indonesian couple with ties to the Lippo Group. They gave a total of \$450,000 to the DNC, between the time they lived in the U.S. as legal permanent residents and after they had returned to Indonesia. The DNC returned the money because it could not question them about the source of the funds and because it could not confirm that they had paid their taxes.

Ms. Wiriadinata's father is a business partner of Mochtar Riady.

John Huang

John Huang has been at the center of the Senate investigation into fund raising issues. After leaving his post with the Lippo Group, Mr. Huang joined the Commerce Department as Deputy Assistant Secretary for International Economic Policy in July 1994. While at the Commerce Department, he attended White House briefings involving classified information. In December 1995, Mr. Huang left the Commerce Department to become vice chairman of the DNC's finance committee. As fund raiser for the DNC, Mr. Huang raised \$3.4 million for the party, mostly from the Asian American community. The DNC has since returned half of the money, determining that it was improperly raised or came from questionable donors, some of them from overseas.

¹ The following summaries are derived from "Campaign Finance Key Players," (last updated July 27, 1997) <<http://search.washingtonpost.com/wp-srv/national/longterm/campfin/players/playerlist.htm>>

In February 1996, Mr. Huang organized a fund raiser at the Hsi Lai Temple in Hacienda Heights, CA. The event was held in April 1996 and raised \$140,000. After questions were raised about the \$2,500 per person event paid by monks and nuns who live on a \$40 per month stipend, the DNC returned most of the donations and repaid the temple for the cost of the event, admitting it was wrong to hold a political fund raiser at a tax-exempt political institution.

Webbster Hubbell

Webbster Hubbell was appointed Associate Attorney General after Clinton was elected. In March 1994, he resigned amidst the Whitewater controversy. He was hired by the Lippo Group upon his resignation and received approximately \$100,000 from Lippo. In December 1994, Mr. Hubbell pled guilty to defrauding clients of the Rose law firm and was sentenced to 21 months in prison.

Pauline Kanchanalak

Pauline Kanchanalak, a permanent resident from Thailand, attended a White House coffee with President Clinton in June 1996. The same day, she donated \$135,000 to the DNC. Internal DNC records note "WH coffee" on forms logging the donations.

In September 1994, Ms. Kanchanalak had called John Huang, a friend, to ask for help in getting White House backing for the U.S.-Thai Business Council. One week later, the U.S.-Thai Business Council had its inaugural ceremony at the White House. Ms. Kanchanalak visited John Huang at the Commerce Department on October 18, 1994. Two days later, she made a \$32,500 contribution to the DNC, on top of the \$30,000 contribution she had made earlier in the year.

The White House recommended her for a spot on the trade policy advisory committee that requires a security clearance and U.S. citizenship. Ms. Kanchanalak is not a U.S. citizen. Her total \$253,000 in contributions were returned after she claimed the money was from her mother-in-law.

John K. H. Lee

John Lee was granted a brief meeting with President Clinton after donating \$250,000 to the DNC in April 1996. Mr. Lee is a South Korean businessman. Lee's contributions came from an American subsidiary of a South Korean company that had not generated any revenue in the U.S. The funds originated from the firm's parent company in Seoul. The DNC returned the donation in September 1996.

Charles Yah Lin Trie

Together with John Huang and Johnny Chung, Charles Trie was among the three fund raisers who raised 79% of the \$2.8 million returned by the DNC this year as part of questionable or illegal contributions.

Charles Trie met then Governor Clinton when he owned a Chinese restaurant in Little Rock frequently patronized by Clinton. He moved to Washington, D.C. in 1994 and became a Democratic fund raiser. In March 1996, Mr. Trie turned over two envelopes containing checks and money orders for more than \$450,000 to a defense fund set up to help the Clintons pay their legal bills. The fund returned approximately \$70,000 of this money immediately. Two months later, after an investigation, the rest of the money was returned. The investigation found that some of the money came from sequentially numbered money orders, supposedly from different people in different cities.

In 1994, Mr. Trie became business partners with Macao businessman Ng Lap Seng, and encouraged him to donate to the Democratic Party. He also arranged for Wang Jun, chairman of a Chinese trading company, to be invited to a White House coffee.

Wang Jun

A controversial guest of one of the White House coffees, Wang Jun is chairman of a Chinese arms-trading company under investigation for alleged involvement in a weapons smuggling case. He is also chair of the China International Trust and Investment Corp, the most influential financial and industrial conglomerate in China. The principle intermediary for Mr. Wang's attendance at the coffee was Charles Yah Lin Trie. Clinton has called Mr. Jun's attendance at the coffee "clearly inappropriate."

Ng Lap Seng

A business partner of Wang Jun, Ng Lap Seng owns real estate in Texas, restaurants in Hong Kong, and a hotel in Macao. Mr. Seng met Charles Trie in Little Rock while the two sought to renovate a hotel in Little Rock. Later that year, Mr. Seng's firm contributed \$15,000 to the DNC, only 10 days after the firm was incorporated. Mr. Seng has stated his belief that contributing money to Clinton and the Democrats could buy him access to the U.S. market.

Johnny Chung

Johnny Chung has donated \$366,000 to the DNC, all of which has been returned. In March 1995, during one of his 50 visits to the White House, he handed a \$50,000 check to Hillary Rodham Clinton's chief of staff, Margaret Williams. Ms. Williams accepted the check and passed it along to the DNC.

Yogesh Gandhi

Yogesh Gandhi heads a California foundation named after Mohandas Gandhi. He made a \$325,000 contribution at a DNC fund raiser which was later returned. Mr. Gandhi testified that he had no U.S. assets and was living off his brother's credit card. At the Senate fund raising hearings, Republicans said Gandhi's bank accounts received two wire transfer deposits of \$250,000 each from a Japanese branch of a U.S. bank shortly after the contribution.

Haley Barbour

While it is mostly the DNC that has come under attack for allegedly accepting foreign donations, Haley Barbour, the former Republican National Committee Chair, has also come under investigation by the Governmental Affairs Committee for his involvement in overseas donations to the National Policy Forum (NPF), a GOP think tank started by Mr. Barbour in 1993 while he also headed the RNC. Mr. Barbour allegedly solicited hundreds of thousands of dollars from Hong Kong businessman Ambrous Tung Young to subsidize the NPF. The funds were used as collateral for a \$2.1 million loan from a commercial bank to the NPF. On the same day NPF received the loan, it gave \$1.6 million to the RNC. Throughout the time of the loan deal, NPF was seeking tax-exempt status as a nonpartisan policy organization.

APPENDIX B

Laws Governing Campaign and Political Party Contributions

Campaign finance laws prohibit corporations and labor unions from making direct contributions to Federal candidates and impose limits on individual contributions.¹ These laws cap individual contributions at \$25,000 per calendar year,² and permit individuals to give no more than \$20,000 to a national party,³ \$5,000 to a political action committee, and \$2,000 to a candidate.⁴

Soft Money

Soft money refers to contributions to political parties that fall outside the legal limits on direct contributions to Federal candidates.⁵ Use of soft money contributions is limited to state and local political activities such as voter registration and for generic party-building activities such as TV ads supporting the Democratic and Republican platforms, without naming specific candidates.⁶

Soft money has emerged as a loophole allowing parties to raise millions of dollars from wealthy contributors during the presidential campaigns, when direct contributions to candidates are prohibited.⁷ They are also used to support congressional candidates in key battleground states during off-year elections.

Because a soft money contribution can be given with virtually no strings attached, it offers three benefits to contributors and recipients: 1) it is not subject to any contribution limits; 2) it can be paid by almost anyone – including groups prohibited from making contributions to Federal candidates or parties (such as corporations and unions); and 3) it offers an extra means of giving for individuals who have already given the maximum to candidates and Federal parties.⁸

¹ See, 11 C.F.R. §114.2 (b) (1997). In general, U.S. law prohibits direct contributions from corporations to Federal political campaigns, but U.S. corporations may establish political action committees, which have the right to make limited campaign contributions. 2 U.S.C. § 441b(a)(1994) and Lori Fidler Damrosch, "Politics Across Borders: Nonintervention and Nonforcible Influence over Domestic Affairs," 83 American Journal of International Law 1 (1989).

² See, 2 U.S.C. §441a (a)(3) (1994).

³ See, 2 U.S.C. §441a (a)(1)(B) (1994).

⁴ See, 2 U.S.C. §441a (a)(1)(C) (1994).

⁵ See, Common Cause v. FEC, 692 F. Supp. 1397, 1398 (D.D.C.1988).

⁶ Ibid. (Stating that soft money may not be used for Federal campaigns.) Funds must be allocated between separate accounts for State and Federal elections. See, 11 C.F.R. § 106.5 (1997).

⁷ Cf. Common Cause, 692 F. Supp. At 1401 (stating that soft money "allegedly compromises system-wide abuse").

⁸ "A Call to ACTION: Briefing Package on Asian Pacific Americans and the Campaign Finance Controversy," a briefing report prepared by a coalition of Asian Pacific American community groups, Spring 1997.

Foreign Contributions

Foreign nationals, governments and corporations are barred from contributing in any way to U.S. elections-State, local, or Federal.⁹ Political parties, after receiving cash from a foreign source, are obligated to return the money within 10 days.¹⁰ Legal permanent residents, however, may contribute money.¹¹ U.S. subsidiaries of foreign corporations are also allowed to donate funds under the same rules as American citizens and corporations.¹²

Money Laundering

Evidence that fund raisers encouraged foreign individuals, companies, or governments- all barred from donating to U.S. campaigns- to funnel money through American citizens and companies into campaign coffers could be prosecuted under both criminal and election laws.¹³

Influence Peddling

Acceptance of campaign contributions in exchange for an appointive office or for a change in policy is punishable by fine or imprisonment.¹⁴

Hatch Act

The Hatch Act prohibits government officials from taking or soliciting campaign contributions while on duty in a Federal office.¹⁵ While the President, Vice President, and other senior officials are exempted by many parts of the Hatch Act, White House coffees would be illegal if they are proved to be fund-raising events funded by taxpayers.¹⁶

⁹ See, 11 C.F.R. §110.4(a)(1997).

¹⁰ See, 11 C.F.R. §103.3(b)(1)(1997).

¹¹ See, 11 C.F.R. §110.4(a)(4)(ii)(1997)(defining "foreign nationals," who may not make contributions, as "individual[s] who [are] not ... lawfully admitted for permanent residence"); and Brian Hartman, "Did Anyone Break the Law?," Campaign Fundraising: The Hearings, (July 10, 1997) <http://www.abcnews.com/sections/us/finance919_sidebar/>.

¹² See, 2 U.S.C. §441e and 22 U.S.C. §611(b) (1994). While foreign citizens and corporations are barred from contributing to Federal, state, and local campaigns, permanent resident aliens and American subsidiaries of foreign corporations are allowed to donate money under the same rules as American citizens and corporations. Note, "'Foreign' Campaign Contributions and the First Amendment," 110 Harv. L. Rev. 1886 (1997).

¹³ See, e.g., 11 C.F.R. §110.4(b)(prohibiting foreign entities from making contributions in the name of another person).

¹⁴ See, 18 U.S.C. §201c(1)(B)(1994).

¹⁵ See, 5 U.S.C. §7324(1994).

¹⁶ See, 5 U.S.C. §§7322 and 7324(1994).

**U.S. COMMISSION ON CIVIL RIGHTS
BRIEFING ON ASIAN PACIFIC AMERICAN PETITION
December 5, 1997**

CHAIRPERSON BERRY. On behalf of the Commissioners, I welcome everyone to this briefing on the alleged civil rights implications on Asian Pacific Americans and legal permanent residents of Asian descent as a result of the campaign finance controversy.

This briefing is in response to a petition filed by attorneys Edward Chen and Dale Minami on behalf of 18 Asian Pacific American groups and individuals.

The recent controversy over improper campaign fundraising and alleged attempts by foreign governments to influence elections through monetary contributions has resulted in a renewed dialogue on the subject of campaign finance reform. While that dialogue is significant and necessary and any violation of campaign finance laws should be fully investigated, according to the petitioners the controversy has become racialized with adverse discriminatory consequences to immigrants and Asian Pacific Americans.

It is this latter concern and not that of campaign finance reform generally that is the focus of this briefing.

The petitioners make specific allegations of a systematic pattern of racial stereotyping and scapegoating directed at Asian Pacific Americans and legal immigrants. Each of these is an allegation. No determination has been made as to the accuracy of these charges or to the validity of any defense, denial or countercharge.

Commission briefings generally rely on voluntary, unsworn presentations by briefing participants to educate the Commissioners about important civil rights issues. In this instance, because the potential civil rights implications of the campaign finance controversy were brought to this Commission in the form of a petition, our Office of General Counsel initially examined the petition to ensure that its allegations were within our jurisdiction.

We will hear first from Sicilia Chinn, an attorney in the Office of General Counsel, who will provide us with an overview of the petition and relevant legal precedent and a summary of staff's research on the issues raised by the petition.

Following the overview, the panelists identified on the agenda will be called to come forward to present their statements and to respond to any questions that the Commissioners may have. Many of the panelists have traveled some distance to be with us here today.

It is important and the Commission unanimously agreed that we hear and learn about the civil rights concerns raised by this controversy for the Asian Pacific American community. The Commission has a long interest in this subject—has done a lot of research on this subject and has published reports.

In particular, I refer you to our "Civil Rights Issues Facing Asian Americans in the 1990s" report that the Commission did in 1992, which has some recommendations relevant to this discussion today. One of them is that the country's political leadership should endeavor to create a national climate that discourages anti-Asian discrimination and that increases public awareness about these issues and combats prejudice and violence. And there are recommendations addressed to media portrayals of Asian and Pacific Americans.

Our interest and agreement in holding this briefing are to educate ourselves and the public about any inaccurate assumptions and stereotypes perpetuated about Asian Pacific Americans, or any political scapegoating on the basis of race that has occurred, as a result of the campaign finance controversy and the harmful effects of either on the concepts of equality and justice, to which I am certain we all adhere.

Would any Commissioner like to make a statement of any kind before I call on Sicilia Chinn?

(No response.)

If not, Sicilia, could you come forward to present the overview?

MS. CHINN. Thank you, Madam Chair.

Reform of campaign fundraising practices has come under intense congressional and media scrutiny in the past year. Sparked by allegations that three Asian Pacific Americans, John Huang, Johnny Chung and Charles Trie, improperly solicited political contributions for the Democratic National Committee,

both houses of Congress initiated hearings this summer into the alleged campaign finance abuses. Many Asian Pacific American leaders have criticized what they view as an unfair focus on their community as a result of the charges against Messrs. Huang, Trie and Chung, and further allege that the investigations have become racially slanted.

In September of this year, 18 Asian Pacific American organizations and individuals filed a petition with the U.S. Commission on Civil Rights seeking an investigation of their complaints of stereotyping and racial scapegoating in connection with the campaign finance controversy.

The allegations raised by the petitioners reflect the long-standing tensions between our nationally cherished First Amendment freedom of expression and our vital commitment to equality for all. With full recognition of these tensions, this briefing was prepared jointly by the Commission's Office of General Counsel and its Public Affairs Unit. A briefing paper outlining the claims and summarizing the relevant legal precedents was prepared and distributed to the Commissioners.

Our briefing preparation focused on the specific allegations of discriminatory and racially insensitive treatment of Asian Pacific Americans by the major political parties, members of Congress and government officials, and there are also allegations against the news media. We sought to examine these allegations of unfair treatment and their civil rights implications while honoring the delicate balance of free speech.

Although we considered what lawful limitations exist on what people can say, we focused more so on potential discriminatory ramifications of what people do say.

The Commission has previously evaluated the effects of the type of racial stereotyping which underlies the petitioners' claims in its 1992 report entitled "Civil Rights Issues Facing Asian Americans in the 1990s." In that report, the Commission noted that Asian Pacific Americans have long been the subject of the model minority stereotype and the untrustworthy foreigner stereotype. The model minority stereotype characterizes Asian Pacific Americans as quiet, obedient, nonadversarial, but economically successful, and therefore not in need of protection under anti-discrimination laws. Under the per-

petual foreigner stereotype, Asian Pacific Americans have been portrayed as untrustworthy and unable to assimilate.

The petition reminds us of this country's history of discrimination against Asians and Asian Pacific Americans, including immigration exclusion acts targeted against Asian immigrants and the internment of over 100,000 persons of Japanese descent during World War II. The perception of Asian Pacific Americans as disloyal foreigners is at the root of many of the allegations of improper conduct cited in the petition. And to the extent that either of these stereotypes define or contribute to the treatment of Asian Pacific Americans in the current context, civil rights concerns are implicated and this Commission has jurisdiction to hear the claims.

The petitioners' allegations of discrimination may be broadly grouped into three categories. Number one, political participation of Asian Pacific Americans; number two, accountability of national government officials and the major political parties; and number three, the news media. I will briefly summarize our activities on these topics.

First, political participation: Petitioners charge that responses by Congress and the Democratic National Committee to the campaign finance controversy will limit or has limited in a discriminatory manner the participation of Asian Pacific Americans in politics. Our background research found that the United States Supreme Court has held that the act of donating to a political campaign is speech that is protected under the First Amendment. Under current law, legal permanent residents are permitted to donate to political campaigns. Our efforts on the political participation topic focused on complaints raised by the petitioners against the DNC and, in particular, the Committee's audit of campaign contributions and their voluntary policy of banning legal permanent residents from making campaign contributions.

Several news articles suggested that Asian Pacific Americans may be less willing to become involved in electoral politics either because of the DNC's actions or because of negative publicity from the controversy. We interviewed several individuals who were audited by the DNC and also contacted the DNC for their comments.

Another issue raised by the petition and elaborated upon in interviews was whether the campaign finance controversy was affecting

Asian Pacific American candidates for political offices. To gain more information about electoral candidates, we contacted several Asian Americans who currently serve or in the past have served as elected officers. Reactions to the issue of fundraising for Asian American candidates were mixed, with some noting a decrease in contributions while at least one noted a significant increase.

Under the topic of accountability of national government officials and the major political parties, we first addressed allegations that members of Congress have made racially insensitive remarks in connection with the campaign finance controversy. For each member of Congress who was named as having made such a remark, we sent a copy of the petition and a letter identifying the specific allegation against the member and also informing the member of our briefing and inviting the member to comment. Due in part to the congressional recess, responses to our inquiries were limited.

In general, official remarks by members of Congress are protected by the Speech or Debate Clause of the Constitution. Our research was not intended to identify a basis for legal liability. Instead, our research focused on the internal rules of the House and the Senate and any ethical guidelines which might apply to speech that may be construed as racially insensitive. Staff requested information from the chair and the ranking minority members of the Rules committees of the House and Senate, as well as from the chair and ranking minority members of the ethics committees for each chamber. We also contacted several professors with expertise on government ethics.

Our research reveals that the only substantive restriction on speech in the Senate is a prohibition against disparaging remarks about a state or the conduct or motive of a colleague. In the House of Representatives, members must treat each other respectfully and avoid specific references to the Senate, individual Senators and the President of the United States.

We also addressed concerns regarding admission to the White House. Petitioners allege that under DNC policy, legal permanent residents are barred from DNC-sponsored events at the White House. During our interviews we heard complaints about reported incidents at the White House, including that involving Commissioner Lee, in which visitors were subjected to addi-

tional scrutiny apparently because of their Asian surnames or appearance. Some of the petitioners construed these incidents as negative effects of the campaign finance controversy. We followed up on these allegations by requesting information from the Secret Service and the White House Social Secretary on policies governing admission by appointment to the White House.

The Secret Service responded by letter that it oversees the security screening and admission of visitors to the White House and that the only grounds for exclusion would be in cases where the individual seeking admission posed a potential source of physical danger to someone under the protection of the Secret Service or to the White House complex.

Petitioners charge that a fundraising letter issued by the National Republican Senatorial Committee was designed to arouse anti-immigrant sentiment. In response to our inquiries, a letter from the NRSC stated that their fundraising letters carefully distinguish between illegal contributions by foreign nationals and lawful participation by American citizens of every race and national origin.

Finally, a summary of the new media topic. Petitioners alleged that media coverage of the campaign finance controversy contributed to stereotyping and racialization of the controversy. They alleged that the news media focused on possible campaign law violations by Asians and Asian Americans while giving little attention to violations by persons of non-Asian descent. Petitioners also alleged that the media engaged in racial stereotyping when reporting these stories.

The representatives on the news media panel for this briefing were identified, interviewed and selected by the Public Affairs Unit. During the interview process, Public Affairs staff invited comment from many individuals representing broadcast and print media. They also contacted several journalism professors, seeking throughout to obtain a variety of viewpoints on the difficult issue of how to draw the line between political satire and unfair stereotyping.

In closing, I would like to emphasize that throughout our research efforts, staff remained aware of the competing interests presented in the Asian Pacific American petition. Some persons or organizations named in the petition, though unable to attend, expressed interest in providing written submissions to the Commission. The OGC will deliver all responses to the

Staff Director as they are received for distribution to the Commissioners.

The panelists assembled today reflect a variety of perspectives and are prepared to provide the Commission with detailed accounts of their experiences in light of the campaign finance controversy.

Thank you, Madam Chair. That concludes my presentation.

CHAIRPERSON BERRY. Thank you very much, Ms. Chinn.

We would now call the first panel: Ms. Daphne Kwok, Ms. Susan Au Allen, and Mr. Joe Sandler. Could you please come forward?

(Pause.)

Daphne Kwok is Executive Director of the Organization of Chinese Americans. She's been the Executive Director since September 1990. OCA is a non-profit civil rights organization representing over 10,000 members with 41 chapters. It monitors legislation pertaining to the Asian American community. OCA's involvement with the petition included providing examples and identifying issues to be presented in the petition.

I want to welcome you, Ms. Kwok, and we appreciate very much your willingness to be here to discuss these issues with us today.

Could you proceed?

MS. KWOK. Thank you very much, Chairwoman Berry, and to all the Commissioners, on behalf of the petitioners I want to thank you very much for providing us this opportunity in a very timely manner. I know it's not easy to pull all of this together in a very short period of time, since we just presented you the petition back in September. And so I want to thank you on behalf of all the petitioners.

The campaign fundraising controversy has been a very racialized and injurious event to the Asian American community for the past 15 months. And each day that has gone by the Asian American community, all 10 million of us, has really been impacted by it. And it's not necessarily just the few individuals that have been named over and over again in the media accounts about their allegations of improprieties. But because we are all Asian Americans, because we have black hair and because of our Asian American features and because of how we've been characterized in media accounts and press accounts, we feel that all of us have been impacted by this controversy.

The Asian American community is responding through this petition and it's very much from the grassroots. While 14 organizations and four individuals are named in the petition, we really have come together as a result of the Asian American community really for the last half year screaming to us, saying that something's got to be done. *Something's got to be done; we've got to be able to speak out and let our feelings be known on this.* And so we really represent a very broad constituency; people from the Democratic Party, from the Republican Party, from the independent side as well. So we are very much a nonpartisan effort here.

The Commission report that was issued and has been referred to already as back in 1992 is one of the reasons that we brought this petition before the U.S. Commission on Civil Rights. The Commission has already looked into the issues of concern that we are reiterating now in this present day of 1996-97, and many of the recommendations that were made in the Commission report are very relevant today.

I'd especially like to point out Recommendation Number 39, which talks about media portrayal of Asian Americans—that it needs to be balanced and sensitive coverage to the Asian American community. And we look forward to a third panel, which will talk specifically about the media portrayal and Asian Americans.

The petition seeks to lay a public record, and we're very pleased that a Federal agency has taken on our petition and will hopefully lend credibility that this is not just the Asian American community bringing up these issues. We want to educate and advance this entire nation forward, so we can all be a much more harmonious country, as we are a very, very diverse country.

I know it's very ironic that unfortunately as the Asian American community only has come into its political empowerment over the last year and finally voicing our concerns, that we are now being accused of playing the race card. And we feel that this is extremely hypocritical, especially because so many examples that we want to describe to you today really, we feel very strongly, have to do with because we are Asian American.

Even Federal Elections Commissioner John Warren McGary has mentioned the same thing. He was at a conference that Ling-chi Wang—who's here today and will be speaking—had on campaign finance reform. The Commissioner, in

reference to Thomas Kramer, a German national who was fined \$323,000 in the last election cycle for improper campaign contributions that barely made the news, said if he were an Asian American, the media would have taken it on and on and on and brought up his name over and over and over again. Commissioner McGary also has been quoted as saying that to be singling out one group for whatever reason escapes any reasonable explanation, in reference to the Asian American community.

Just very quickly, I wanted to bring up some particular incidents that give an overview of why the Asian American community has really been concerned over the past year.

One was the Democratic National Committee's audit of contributions made in the last election cycle. They audited eight different categories with eight different kinds of requirements, and we felt that six of those categories specifically focused on the Asian American community—that we were singled out and overlooked at in those categories. While all donors over \$10,000 were audited—that's fine. But there was another category. In particular, any Asian American who participated in the DNC-related finance event that raised from \$5,000 upwards was scrutinized. Nobody else in this country who raised between \$5,000 to \$10,000 was scrutinized, so why was it just the Asian American community who was scrutinized under that requirement?

A second example is Simon Fireman, presidential candidate Bob Dole's fundraiser, who was fined \$6 million for campaign contributions, and yet that news barely made any of the major media markets and it was buried on about page 20 of all the major newspapers. Why was there no outrage and no further investigation into Simon Fireman's contributions?

And a third category has to do with public officials, such as Ross Perot. In a University of Pennsylvania speech back in the last election cycle when he was talking about the campaign contributors he said, "So far we haven't found an American name; rather, we have someone named O'Reilly instead of Huang working for us." And when he talked about Mark Middleton and James Wood, obviously not Asian American names—when those names were raised, he said, "Now that's two names that you can relate to."

We want to also mention that for elected officials who really are the leadership of this coun-

try, it is very important what they say and how they say things about the various members of our community. And, unfortunately, many of our elected officials in the last year have made some very unkind statements about the Asian American community.

But I wanted to bring up an example with Senator Brownback of Kansas, who made two comments about the Asian American community, especially about John Huang, making light of his name. "Two Huangs don't make a right." But when Senator Brownback realized what he had said and how injurious this was to the Asian American community, he did apologize. He apologized to myself and one of my colleagues profusely. He realized the harm that had been done to the Asian American community. And this is something that really needs to be brought out. And, hopefully, it won't happen again.

CHAIRPERSON BERRY. Daphne, I forgot to tell you you have no more than 10 minutes. I forgot to tell you that. We will want to have questions.

MS. KWOK. But, unfortunately, Asian Americans know racism too well.

I just want to end by bringing this home to OCA in particular. We have been following this from the very broad view. We have also been impacted directly, as well, too. OCA did receive a subpoena from the U.S. Department of Justice for our membership records in reference to individuals who have been at the center of the controversy. We have also received requests from the Senate Governmental Affairs Committee about our attendance list at our national convention.

All of these have had a tremendous chilling effect on OCA. For us, we are an organization that has been very, very strong in separating out our work here domestically. We do not get involved with anything having to do with overseas and foreign affairs. And just to have this cloud—we did produce the documents that were requested in the DOJ and Governmental Affairs requests, but we really had nothing to produce to them—but just for people to even know that OCA was subpoenaed gives us this cloud that OCA must be involved somehow, that there must be something wrong with OCA.

Also, one of our individual student interns was invited, went to the White House for a tour, gave the necessary information about her citizenship status, put down as a U.S. citizen. Actually, she was very interesting. She came to D.C.,

you know, very skeptical about the government and public service and hearing all the negatives about that. But she spent 10 weeks here in D.C. and was extremely excited and enthused about the dedication that public servants have to this country, and she wanted to come back next year and was even thinking about interning for her senator. So this summer really has had a tremendous impact in opening her eyes up to what this Federal government public service can do.

But when she went to the White House and she was asked about her citizenship status, even though she's a U.S. citizen she was questioned about her citizenship status— *are you really an American or you must not be an American because your name doesn't sound American; it's a Chinese name.* That totally deflated her whole image about what Washington, D.C. and the government have to do. She now looks upon the government very skeptically because she directly herself was impacted. And I think this is a tremendous loss.

So OCA, along with my colleagues, are trying to rebuild the credibility and the importance of Asian Americans becoming involved in the political process. And so we feel that this is a tremendous step forward and we look forward to questions. Thank you very much.

CHAIRPERSON BERRY. Thank you very much, Ms. Kwok.

Our next briefer is Ms. Susan Au Allen, who is President of the U.S. Pan Asian American Chamber of Commerce and chair of the Excellence 2000 award. She's an attorney and law partner in Paul Shearman Allen & Associates, and she has had a wide variety of civic activities and has been in the media commenting on various things, very widely seen and highly visible.

Ms. Allen, thank you very much for being with us, and please proceed.

MS. AU ALLEN. Thank you.

I apologize for being late. I went to the wrong building; went to the library.

It is good that we are having this conversation. This follows on the heels of the President's town hall meeting or Ophra Winfrey show on race relations. I think this is a lot more serious, and I hope that something good will come out of this.

I feel flattered that I've been asked to come to speak. As I looked at the panel of speakers who were invited, I thought this is rather lopsided.

But I do want to commend you, Ms. Berry, for at least having one dissenting voice here.

All the things I say today will be of a personal nature. It is my own opinion. And I believe that any American, irrespective of race, ethnic origin or gender, should have the right, the Constitutional right, to participate in the political process.

There are those who choose to not do that. They want to remain silent. And that is their choice. But there are those who want to be very active in our political process and that is their right. But in doing so, they must follow the law. And this is what our year-long campaign finance contribution controversy is all about.

And if these people are caught doing the wrong thing, with their hand in the candy jar, they should be called to answer questions and account for their activities.

I hope that the lesson that we draw from the experience of the past year is not for Asian Americans to retreat from the political process but be vigilant about following the law. I also hope that our law enforcers and other Americans do not think that Asian Americans are crooks; or bad actors, because we are not. And I am confident that they will not find us so.

I also hope that the group of Asian Americans, who have been very, very active in protesting the media's reporting of such novel activities among the Asian American community, do not feel so embarrassed that they want to sweep wrongdoings under the rug, because we do not want to appear to be above the law.

So last October when I read in the newspaper that a group of Asian American leaders were holding press conferences both on Capitol Hill here in Washington and in New York with the Reverend Jesse Jackson, condemning the press' reporting of alleged wrongdoings by John Huang, I felt shivers creeping up my spine. I thought to myself, *What are they doing? Why don't they let the process work its way out?*

The newspaper is in the business of reporting news. Asian Americans have for at least as far as I know, 15 years, been complaining about being stereotyped as the model minority, the silent minority, the invisible minority. But in the last 10 years or so, they have come out. They got busy. They got educated in a wide variety of disciplines. They got into politics and were elected into office. They got into high office, appointed and elected. They got into business. They got out

of the laundry business: few wash people's dirty laundry. They got into high tech, low tech. They're in the professions. And they are busy talking about their future.

Well, I thought, we have arrived. So if we want to be at the table, if we want to play the game, we've got to be able to stick by the rules. And if the kitchen is hot and we can't stay in there, we should get out and not complain. And that's the thought that triggered my letter to the Washington Post, that Asian Americans—whether it is John Huang or John Smith, whether it's Charlie Trie or Charlie Jones— if they have done something wrong, the law should treat them the same way.

So as I see my Asian American colleagues protesting how the press was picking on John Huang, even before all the facts came out, I thought it was wrong. Well, I got severely criticized— little did I know then— that I dared to speak up on the *other side*. So I was the lone dissenter. But you know what? Since then, it has been a year and I've spoken to a lot of people outside of Washington. I've asked them:

Do you feel discriminated against? When people look at you, do they think that you are a crook? When they talked about campaign finance activities, do you think they thought that you gave some dirty money? Do you think that they thought that you took some money from Taiwan, Indonesia, China, Hong Kong? No. They did not think so.

So it is my opinion that all the din that we hear about the press being unscrupulously scrutinizing Asian Americans is false.

Let's face it. The fact that Asian Americans have been so active in politics, the fact that Asian Americans have been able to raise \$5 million— John Huang's friend told me— Daphne Kwok told me, in fact, in early October 1996 at the Heritage Foundation that Mr. Huang single-handedly was responsible for raising \$5 million for the DNC. She was very proud of that. She defended him.

But there was not just John Huang. It was Charlie Trie. It was Pauline Kanchanalak. It was Maria Hsia. It was monks and nuns in the Buddhist temple. And that all led to, later on, revelations about Valerie Lau, Inspector General of the Treasury Department, alleged to have destroyed documents.

Of course, we do not like to hear these things. Of course, we do not like to show these; of

course, we would like not to wash our dirty laundry in public. But this is America and don't forget, we have a free press. The American people have the right to know about important events such as electing the head of state.

It is very important that if there is any allegation of wrongdoing, whether it is Asian American, African American, Hispanic American, Native American, white American, we let the sunshine in, find out what went wrong, pull it from the roots and correct it.

So therefore, when my colleagues say *campaign finance reform and don't target Asian Americans*. I disagree. I do not think that they have been targeted. There maybe have been some insensitive reporting by saying *John Huang, the Chinese American; Charlie Trie, the Chinese American; Pauline Kanchanalak, the Thai American*. But once again I must say that it is good news for the media because it is hot news and they are in the business of reporting news— things which are unprecedented.

And what we have done as a community was unprecedented. What we have done today is unprecedented— 14 Asian American organizations petition this Commission for a hearing to investigate whether Asian Americans had been tarred over the last 12 months. This is quite unprecedented.

CHAIRPERSON BERRY. We're going to have questions, Ms. Allen, so we thank you for the statement. If you want to take one more minute, you can, but we're going to have questions.

MS. AU ALLEN. Well, my one minute conclusion is, this whole briefing should not be just about Asian Americans. It is about who took those Asian Americans down this road. If we are honest enough, irrespective of party loyalty, to ask the question and truly show a serious interest in finding the truth, maybe— maybe we will find the truth. And that is, this is not about targeting Asian Americans. It is about targeting wrongdoings in the last election cycle.

CHAIRPERSON BERRY. Okay. Thank you.

Mr. Joe Sandler is next. Mr. Sandler is General Counsel of the Democratic National Committee. And before that, he was Staff Counsel. He's an expert on various matters of campaign finance ethics and election law. We appreciate very much your being here, Mr. Sandler.

Could you please proceed for no more than 10 minutes.

MR. SANDLER. Yes. Thanks very much, Madam Chair and the members of the Commission.

On behalf of the DNC, we greatly appreciate the opportunity to be here this morning to address the very serious and significant charges that have been set out in the petition.

In the 1996 election cycle, the Democratic Party and the DNC made an unprecedented effort to reach out to the Asian Pacific American community. We're proud of that effort and we're proud of the success that was achieved in that effort, in that Asian Pacific Americans did turn out in record numbers and demonstrated an unprecedented degree of support for our party.

Unfortunately, in the last year the campaign fundraising controversy has imposed a grievous burden on the community; and I agree with Daphne Kwok that it has threatened to undo a lot of the progress that has been made in involving and empowering the Asian Pacific American community.

In a statement last April as the press was hot on the latest set of documents about this controversy, our chairs said in their view— our national chair, Steve Grossman, and our general chair, Governor Roy Romer of Colorado— said that during the past few months we have witnessed with increasing alarm the rampant demonization of the Asian Pacific American community. Millions have been subjected to grossly unfair and inaccurate accusations of dual loyalty. Their patriotism and extraordinary contributions to the vitality of American life have been called into question. The pain of Asian Pacific Americans is palpable in every city, town and neighborhood in which they live and work.

The demonization that's described by our chairs, we think, is set out with very compelling and accurate detail in the petition that's been filed. We've seen racist statements made by Republican members of Congress during the campaign finance hearings. We've seen— and I personally know of— a number of situations of reporters from major newspapers combing through the DNC's contributor list and picking out people solely based on ethnic surname for interrogation.

We've seen fundraising letters from one of the national Republican committees with clear racial overtones. And we recognize that the DNC itself went about a review of prior contributions with insufficient sensitivity to the way in which the conduct of the questioning and the structure of

that review would be perceived and experienced by members of the Asian Pacific American community.

In response to the anger and the pain and the frustration that's been expressed, Governor Romer and Chairman Grossman have over these past months been meeting around the country, in a number of cities across America, with the leadership of the Asian Pacific American community, not only to apologize for the manner in which our review was conducted but, more importantly, to emphasize that the DNC is more determined than ever to repair and strengthen our ties to the community and do everything possible to continue the process of empowering this community.

That commitment has been reflected and translated in a couple of concrete steps in the past few months.

We established an ad hoc committee on political participation by legal permanent residents and newly naturalized citizens that was chaired by Lieutenant Governor Mazy Hurano of Hawaii. That committee made 14 recommendations to the DNC Executive Committee this past June. It went to such matters as systematizing and improving communication with community leadership; the integration of specific voter registration and turnout programs for these communities into our political operations; legislative positions on a whole range of matters. And I'm pleased to be able to tell you that virtually all of these recommendations actually have been or are in the process of being implemented by the DNC.

Second, at our full meeting of the membership of the DNC this past September here in Washington, the DNC amended our charter and bylaws to create a seat on the Executive Committee for the chair of the newly formed Asian Pacific Islander American Caucus, which is the first time that we've done this in more than 15 years.

And finally, as we go about making our plans, as we're in the process of doing for the 1998 election cycle, we are very focused on creating programs of voter registration and voter turnout in the Asian Pacific American community, creating real funding and real emphasis on that as part of our own political operations in the states in which we're going to be active next year.

So I think that it's fair to say that the DNC has heard loud and clear the anguish and frus-

tration that are reflected in the petition and that have been articulated here this morning by Daphne Kwok.

We've begun to respond and we're going to continue to respond. In that regard, we take very, very seriously the allegations that are set forth in the petition, and I want to just comment briefly on the two matters that are specific to the DNC that are discussed in the petition.

One, of course, is our review of prior contributions. We did have the goal and intent to try in conducting that review to be sensitive to the special burden that the community bore in this whole campaign fundraising controversy and to the important and growing role that the Asian Pacific American community plays in the Democratic Party. We clearly fell short in that regard and I think the chairs, Chairman Grossman and Governor Romer, have been very frank and candid in discussing that with the leadership over these past few months.

I do want to make a couple of specific factual points in this regard.

The DNC review, in fact, covered all donors who had contributed \$10,000 or more in any of the years 1994, '95 and '96 and who didn't have a well established record of contributing to us. So the vast majority of the roughly 1,200 contributions that were reviewed in this exercise were clearly not made by Asian Pacific Americans.

Second. The reason that the review covered donors of more than \$5,000 at events that were specifically for the Asian Pacific American community was simply that John Huang had been in charge of our fundraising program focused on that community and was the lead staff person for those events. And because of the attention that had been focused on the fundraising activities that John had engaged in, it was basically just part of that same review. It made sense that the audit focus on those events.

Third, the contributions that were selected for review and that we referred for telephone interviews were selected solely by the DNC, and the selection was made based on criteria in a report that we released last February. The ethnicity or surname of a contributor was not considered in any way. In fact, leaving aside contributions made by Johnny or Charlie Trie, of the money that we decided to return as a result of that review—the returns that we announced at the end of February—nearly half of the dollars consisted of donations that were not made by

Asian Pacific Americans or by corporations or other entities associated with Asian Pacific Americans.

And, finally, I want to say that the interviewers worked from a written script that was prepared by the DNC. It was released to the press and to the public when we released the results of the review at the end of February. And all donors, dozens of them who were not Asian Pacific Americans, were asked exactly the same questions.

The second matter referred to in the petition specific to the DNC is our policy of not accepting contributions from non-U.S. citizens. That policy was instituted earlier this year based on the proposition that from persons who were not eligible to vote, it would not be appropriate for the DNC to accept contributions.

Since that policy was instituted, our chairs have engaged in extensive discussions with the leadership of a number of communities, not only the dialogue with Asian Pacific American leadership to which I referred earlier, but also with a number of other communities in which legal permanent residents account for a substantial number of members. And I think our leadership and our party have become much more sensitized to the critical role that legal permanent residents can and do play in the political life of our nation and in the affairs of our party. And for that reason, our policy is under active review at this time, and the very serious and legitimate concerns that have been expressed in the petition and in the discussions in which our leadership has engaged with the Asian Pacific American community during these past few months are going to be taken into account as we consider the wisdom of continuing this policy.

I just want to close again by citing the statement that our chairs issued last April, which really expressed the way that I think they felt about this entire situation. As Americans, as Democrats and as grassroots activists, we must continue to fight against the most pernicious and divisive elements in our society. Against ignorance, racism, bigotry, intolerance, anti-Semitism, ethnic stereotyping, prejudice, hatred, homophobia and fear.

If one of us is demeaned, all of us are dishonored. And when an entire community is demeaned, we must raise our voices in a chorus of protest. The Democratic Party is the oldest continuing political party in existence. It has an ob-

ligation to provide moral leadership to one of the most diverse and pluralistic societies the world has ever known. We stand in solidarity with our sisters and brothers in the Asian Pacific American community, and we affirm the highest aspiration of Democrats throughout this great land.

Thank you, Madam Chairman.

CHAIRPERSON BERRY. Thank you very much, Mr. Sandler.

Are there questions from any of the Commissioners for the briefers?

Vice Chair?

VICE CHAIRPERSON REYNOSO. I have several. I assume the other members do, too.

Mr. Sandler, you heard the testimony that there was a review of contributions by Asian Americans who had contributed— who had raised \$5,000 or more. Your testimony, I take it at least in partial response to that, was that those functions that were particularly directed to the Asian American community— as to those functions apparently you looked at Asian Americans who had raised over \$5,000.

My question is this. Was the review of contributors who had contributed or raised over \$5,000 from Asian Americans limited only to those events that were particularly directed at the Asian American community, or did they include any person that appeared to have an Asian American name who had contributed over \$5,000?

MR. SANDLER. No. It had nothing to do with name or ethnicity of the contributor. It was basically— we went down to the first dollar of contributions for certain categories of contributions, those for which we didn't have a proper address. Eventually we reviewed every contribution that in our records had been solicited by John Huang of any dollar amount.

We reviewed contributions made in connection with the Buddhist temple event, regardless of amount. Same thing with contributions solicited by Charlie Trie or Johnny Chung.

In the case of events for which John Huang had in effect been the staff lead that were part of the Asian Pacific American Leadership Council Program, for which he was our staff lead in 1996, we reviewed contributions that were made in connection with those events or credited to those events on our books of \$5,000 or above.

VICE CHAIRPERSON REYNOSO. But even those events that were directed at the Asian American community you still looked only at those folk

who had contributed or raised \$5,000 or more? Is that correct?

MR. SANDLER. Yes. That's correct.

VICE CHAIRPERSON REYNOSO. You mentioned— and I apologize if I've missed the explanation— but you mentioned that there was the expression that the review had not been performed with sufficient sensitivity, and then, as I understood your testimony, you mentioned that there were recommendations presumably for the future about such reviews, but I missed what those recommendations were. Did you tell us?

MR. SANDLER. The recommendations that I was referring to were recommendations about the DNC's relationship generally to—

VICE CHAIRPERSON REYNOSO. Oh, I see.

MR. SANDLER. — permanent residents and newly naturalized citizens— organizing, communicating and the like. I don't think this review that we did of prior contributions in connection with the fundraising controversy was unprecedented, and I don't think given the new compliance procedures we have in place it would ever be necessary to undertake a review of this nature again.

VICE CHAIRPERSON REYNOSO. Thank you.

Ms. Allen, did you have occasion to read the petition for hearing, the basis for these hearings?

MS. AU ALLEN. I read the summary of it recently and I did read the petition about a couple of months ago. Yes.

VICE CHAIRPERSON REYNOSO. Did you find in any part of that petition a suggestion that any American ought not to obey the law?

MS. AU ALLEN. I don't think so.

VICE CHAIRPERSON REYNOSO. Did you find—

MS. AU ALLEN. It'd better not.

VICE CHAIRPERSON REYNOSO. Beg pardon?

MS. AU ALLEN. It'd better not. If they are going to file a petition with the Commission here.

VICE CHAIRPERSON REYNOSO. My question had to do with the strength of your testimony, that there seemed to be an implication on the part of those Asian American communities that had raised concerns about the focus on Asian Americans— your suggestion seemed to be that there was a suggestion by those protests pertaining to the violation of laws, and the suggestion seemed to be by your testimony, as I understood it, that maybe there was a defense of folk not obeying the law.

So I was just curious whether you had found that interpretation.

MS. AU ALLEN. Well, let me clarify, then. Either I did not explain my position clearly or you misunderstood me. What I meant was that the embarrassment, perhaps— now I cannot get into their minds as to why they did what they did— but perhaps it was the embarrassment that somebody who looked like them or us, somebody who had an Asian last name, should be caught in alleged wrongdoings which seem to implicate the entire community as they see it, led them to this irrational, unreasonable reflexive knee-jerk reaction that: *We've got to get out there and raise race as a defense because we cannot let them tar our community because this handful of people's activities may reflect on us.* And, therefore, in their enthusiasm to keep their good name up front, they are willing to look the other way and try to sweep what we should be facing under the rug. And it was quite obvious to me and to the people that I talked to.

VICE CHAIRPERSON REYNOSO. With due respect, I guess I understood your testimony. I understood your clarification of the testimony. And I guess my interpretation is that they were willing to sweep things under the rug, including violations of laws, because of this embarrassment. And I just found that—

CHAIRPERSON BERRY. Could we ask Ms. Kwok whether that was her position?

MS. KWOK. Very clearly it was not our position. It was clearly stated in the first paragraphs of our petition that we have always said from the very beginning if there are any wrongdoings in this whole campaign fundraising controversy, then, unfortunately for those individuals, they're going to have to suffer the consequences— whatever is going to happen, the punishment, whatever it is, they're going to have to suffer. We do not defend anybody. We are just protecting the image of Asian Americans.

Unfortunately in all this coverage the definition between Asian and Asian Americans is being lost, and our citizenship status is being questioned, as in what has happened at the White House. And for all of that to happen to us as Asian Americans, we find that really appalling.

And we have clearly stated from the very beginning we do not defend any wrongdoing.

MS. AU ALLEN. Could I just mention this? Yes, they did. A little late. After other people said that, *If there is wrongdoing, we've got to in-*

vestigate. But if you go back to the news reporting in September— October 1996— I don't think you'll find that. Later on when it was pointed out to them that, *Look, if there's wrongdoing, figure it out; but at the same time, do it properly. Find out what's illegal, what's legal.* And they did.

Now, they do. In the petition, they have done so. As I said earlier, it would be foolish of them— and the people who prepared the petition are lawyers, they should know better— of course they would not, Commissioner, state in a petition that they condone wrongdoing and law-breaking. Of course they would not. What do you think they are, Commissioner? They're Asian American lawyers. They are very capable professionals. They would never do something like that.

CHAIRPERSON BERRY. Mr. Vice Chair, may I interrupt you just for a moment and ask Ms. Kwok specifically.

Has your organization ever, before this petition was filed or at any time during this controversy, defended Mr. Huang or anyone else on the basis that Asian Americans should not be charged and targeted, without reference to what you consider to be the stereotyping?

Has there been a time way back in the beginning when this whole thing started that you did that?

MS. KWOK. We have never defended any of the individuals, primarily because we— and I think even today, 15 months later— we don't know what the facts are. And if we don't have the facts— how can we ever make any statement or defend anybody if we don't even know really what the facts are?

MS. AU ALLEN. Well, I can offer one name. Mr. Hoyt Zia of the Commerce Department defended Mr. Huang. It was in print.

CHAIRPERSON BERRY. Who is Mr. Hoyt Zia?

MS. AU ALLEN. Give me some time and I will come up with some more. I didn't come here to answer questions such as that, but I think if given some time— and I think there are people in the Asian American community who have boxes of newspaper clippings that they can offer.

VICE CHAIRPERSON REYNOSO. I'm sorry. Who was this gentleman?

MS. AU ALLEN. Mr. Zia, Z-I-A.

VICE CHAIRPERSON REYNOSO. And what organization does he represent?

MS. AU ALLEN. I'm sorry?

VICE CHAIRPERSON REYNOSO. What organization does he represent?

MS. AU ALLEN. I think he belongs to the Asian Pacific American Bar Association. He's the brother of one of the briefers here today.

VICE CHAIRPERSON REYNOSO. I have one other question for you pertaining to the press, Ms. Allen.

Did you find in the petition any suggestion that the First Amendment rights of the press should be curtailed?

MS. AU ALLEN. No.

VICE CHAIRPERSON REYNOSO. I don't know whether you were here when the staff made a presentation about the petition. Part of that testimony was that unfortunately— at least the staff report told us— there has been some stereotyping of Asian Americans in our country. Do you agree that there's been stereotyping or do you think that's not true?

MS. AU ALLEN. Commissioner, that's not my business. My business is not to go out and look for reportings of—

(Interruption)

CHAIRPERSON BERRY. Would you hold on a minute? Could someone please hang up that phone? Tell them to just hang it up, please.

Okay. Could you repeat the question and then get the answer again, please, Vice Chair? What was your question?

VICE CHAIRPERSON REYNOSO. Mr. Clerk, would you repeat the question?

No. What was the question? I had already asked you about whether or not you had—

CHAIRPERSON BERRY. About stereotyping. Whether you thought there was stereotyping.

VICE CHAIRPERSON REYNOSO. Yes. Whether or not you had heard the testimony about stereotyping. And the report was that there had been stereotyping both in terms of the Asian Americans being the ideal minority— in terms of some folk think, positive stereotyping, though it's not all positive— and other stereotyping of Asian Americans as still being foreign and suspect and so on.

And I was just asking. Your testimony seemed to suggest to me that there is no stereotyping of Asian Americans and that those who think so may be super sensitive. So I was just inquiring as to what your own perception was of that.

MS. AU ALLEN. I didn't say that. I did not say that there was no stereotyping. There is. First of

all, we have been called the model minority, the invisible minority, the silent minority. And some Asian Americans do not like that.

I remember working with some of the Asian American organizations whose business was to go to the government and say: *I represent the poor and downtrodden Asian American community. We need money in this community, so don't keep on saying that we have done it, we have money, we've got education. Because for every Asian American who's done well financially and economically, there are those who have not done well. So, therefore, don't call us the successful minority.*

VICE CHAIRPERSON REYNOSO. I'm sorry. That was really a preliminary question to the question pertaining to the press. You indicated that of course the press is protected by the First Amendment, and you seem to imply that what they have been doing and reporting of this controversy was simply living up to their responsibility under the First Amendment.

And I just wonder whether you have a view in terms of— as I told my students quite often— the First Amendment tells you what you can say, not what you ought to say necessarily. And the question I have is this: Even though the press has the right to report these matters any way it wants to, does it not have a responsibility to report it correctly and to, for example, not repeat stereotypes if they are not correct?

I just wonder what your views are on that.

MS. AU ALLEN. I agree with you. Report the facts. If they are reporters, they should report the facts. If they are commentators, editors, they can inject their opinion into it. Of course nowadays the line is blurred.

But I agree with you. The press has the First Amendment right to write whatever it wants to, but a responsible press should report the fact as it happened.

VICE CHAIRPERSON REYNOSO. Thank you.

Nothing further, Madam Chair.

CHAIRPERSON BERRY. All right.

Commissioner Anderson?

COMMISSIONER ANDERSON. Thank you, Madam Chair.

I believe the Commission yesterday received a letter from the National Republican Senatorial Committee asking that it be made part of the record, which I assume we're going to do. Since we have a representative from the Democratic National Committee here, I think in fairness I'd

like to just read a short quote from that letter and give Mr. Sandler the opportunity to respond to it.

Our National Republican Senatorial Committee is chaired by Senator Mitch McConnell and part of the letter I'd like to read says as follows:

"As the Commission may know, Senator McConnell is married to an Asian Pacific American and has consistently received enthusiastic political support from the Asian Pacific American community. What the Commission may not know, however, is that the Democrats attempted to raise the issue of Senator McConnell's wife's racial and ethnic heritage, as well as the lawful financial support he received from the Asian Pacific American community, during his reelection campaign last year. These smears included television ads against the Senator, paid for by the Democratic Senate candidate and the Kentucky Democratic Party, which presented threatening or negative images of Chinese culture and urging voters to send a, quote, "all American family to the Senate." Unquote. We invite the Commission to add these racially hostile smears to its current investigation."

Now, I think, Mr. Sandler, in fairness, we ought to give you an opportunity to respond to that.

MR. SANDLER. Well, I'm not aware of any advertising of that nature in the Kentucky race. The reason that the National Republican Senatorial Committee, as I understand it, was asked to participate— although they declined and there's no representative of the Republican Party who agreed to participate this morning— was that a fundraising letter that Senator McConnell signed that was based on an obvious racial appeal and screamed about the Democrats raising illegal foreign cash, money from Asia, and this kind of thing. And that's really why. And I think that the complaints in the petition about that letter and about that approach are well founded and should have been responded to and they haven't been.

COMMISSIONER ANDERSON. Just to pursue it another minute: If the television advertisement actually did say send an *all-American family to the Senate* against a candidate who's married to an Asian American, you would condemn that, wouldn't you?

MR. SANDLER. Absolutely.

COMMISSIONER ANDERSON. Would you mind finding out for us whether or not that was true in the Kentucky Senate campaign?

MR. SANDLER. Certainly. Yes. And who paid for the ad.

COMMISSIONER ANDERSON. Thank you.

CHAIRPERSON BERRY. The letter from the National Republican Senatorial Committee will, of course, be in the record. The National Republican Senatorial Committee was invited, as Mr. Sandler said, to participate and declined. But they did send the letter.

Yes, Commissioner Lee?

COMMISSIONER LEE. I first of all want to thank the staff for putting together a very detailed and well-put-together briefing. They did a wonderful job.

I have several questions. The first question is to Mr. Sandler.

You mentioned that with your audit you've identified persons who made donations over \$10,000 with very little donation record to the DNC.

MR. SANDLER. Yes.

COMMISSIONER LEE. Now, given the fact that the Asian American community is relatively new compared to other communities, what is the percentage of donors that you investigated under that category? What is the percentage of Asian Pacific American donors compared to other donors that you have investigated?

MR. SANDLER. I don't know that. It's very small. We didn't calculate that. Of the 1,200 that we reviewed without a record of clearly established contribution history with the DNC and that were part of the initial universe of contributions reviewed, a very small percentage, I can assure you, were Asian Pacific Americans.

I don't know the exact percentage. Certainly no effort was made to do that calculation.

COMMISSIONER LEE. And of the \$4 [million] or \$5 million that Mr. Huang had raised for the DNC, what is the percentage of that amount compared to the overall DNC money that was raised?

MR. SANDLER. Well, the percentage of overall DNC contributions represented by what?

COMMISSIONER LEE. Let me go back. I'm still on California time.

What is the percentage of money that Mr. John Huang raised compared to the overall DNC money that you have received?

MR. SANDLER. Well, in the '94-'96 cycle or period that was the subject of a review of contributions, the DNC raised approximately \$227 million, of which contributions raised by Mr. Huang, regardless of whether or not they've been returned, represented \$3.4 million. So it's in the area of 1 percent. Of what's been actually returned that was raised, it's well under 1 percent.

COMMISSIONER LEE. I also would like information from you, maybe later on, on exactly how many donors were contacted by the audit and the percentage of Asian Pacific Americans on that list, if you can submit that to us, please.

MR. SANDLER. Okay.

COMMISSIONER LEE. Thank you.

The second question I have is for Ms. Allen. You mentioned that you didn't feel that the media have specifically targeted Asian Americans and they were just reporting all the facts.

Now, during the same time as I recall when this whole controversy got started, the media were reporting a lot on what Mr. John Huang had allegedly done. There were very few, if any, reports on Mr. Fireman, who was fined for committing an actual crime. So do you think that was the media merely reporting the facts, or do you think that there really was some type of unbalanced reporting?

MS. AU ALLEN. I do not know enough about the Fireman contributions.

COMMISSIONER LEE. That's because the media haven't reported it; so we don't know.

MS. AU ALLEN. If people would only let me finish. I hope that we will not play politics here today. I know that there's a tendency to do so. For example, your question to Mr. Sandler about the percentage of money raised from the Asian American community versus the total amount raised nationwide generally. And the implication is that. *Well, it's only \$5 million, or \$3 million, so what's the big deal.*

My position is: Whether it is \$1,000, \$100,000 or \$50,000 or a million, if it's wrong, it's wrong. Don't belittle the criminal activity.

As to your question, it was reported. I think that there's some distinction here, perhaps. And that is when you look behind Mr. Fireman, there wasn't any more to report. He did it. He was fined. The law dealt with it. But when you look behind Mr. Huang, there was always something more. And as the events that unfolded in the last 12 months have shown us, there was no coopera-

tion from Mr. Huang, who has taken the Fifth Amendment, and then bargained for immunity before he would speak although he had offered to speak. When he was given the opportunity to speak before the American public under the shining lights of the media, he wanted to have immunity. We have people like Charlie Trie, who has left the country. Pauline Kanchanalak, who's left the country. It goes on and on and on.

So why are the media so concentrated on Mr. Huang? I can only speculate that it's because things keep on coming out. You keep finding new wrongs, alleged wrongdoings. And it is their job to report them.

As I understand it, as the Fireman situation was discovered, there was an opening and there was closure to the case and there was no attempt to resist on Mr. Fireman's part. But with Mr. Huang, today as we speak, we still haven't heard from the man.

COMMISSIONER LEE. I just have one more question for Mr. Kwok.

CHAIRPERSON BERRY. Yes, please, Commissioner Lee.

COMMISSIONER LEE. I'll make it quick.

Ms. Kwok, the purpose of this hearing is to find out if the Asian Pacific American community has been impacted by this controversy. And Ms. Allen has mentioned that she has talked to various people from the community and they all mentioned that they really haven't been impacted.

I understand that your organization has over 40 chapters and that one of the other petitioners, the JACL, has hundreds of chapters throughout the country.

Is that the feeling that your members have expressed to you, that they don't feel they're being impacted?

MS. KWOK. Well, in the last year, during a tremendous amount of traveling and a tremendous amount of speaking and meeting with our membership, I have heard from people who are just truly outraged. While they may or may not have contributed themselves, they feel directly impacted that this is a direct assault on them, whether or not they have actually participated by actually giving funds to either party.

And yes, they have been directly impacted. It has impacted us tremendously. It has impacted not only the Chinese American community but the broader Asian American community, because unfortunately the distinctions can't exactly be

made if you're Chinese, Japanese, Korean. We're all seen as one.

And so we just hear stories after stories after stories. People who participated for the first time in 1996 who received the audit calls, received calls from the media, being harassed, they're saying: *Don't call me. I don't want to talk to anybody. I don't want to get involved. Don't ask me for any money. I'm never giving again.*

So really people have been impacted. Unfortunately, because the Asian American community and Asian Americans are very private, they don't want to tell people about what has happened to them. Unfortunately, we're never going to hear many of these stories, because they're so fearful of what's happened.

To receive a subpoena is very intimidating, and they're just now withdrawing into their shell.

CHAIRPERSON BERRY. Does any other Commissioner have any question?

Yes, Vice Chair?

VICE CHAIRPERSON REYNOSO. One more question for Ms. Kwok.

You mentioned that documents had been subpoenaed from your organization. What sort of documents were subpoenaed?

MS. KWOK. Our membership records for some of the individuals that have been named in this controversy. They want to see whether they were members of ours, how much was given. Those kind of records.

VICE CHAIRPERSON REYNOSO. Thank you.

CHAIRPERSON BERRY. I only have one question myself.

Did you have any, Commissioner George?

COMMISSIONER GEORGE. Yes.

CHAIRPERSON BERRY. You go ahead then.

COMMISSIONER GEORGE. Mr. Sandler, this is a question for clarification.

In responding to Commissioner Anderson you said you weren't familiar with racist advertising by Democrats in the Kentucky McConnell race. I just wanted to know is that a race you are familiar with but just don't happen to know if anything like that went on, any racist ads went on, or is that a race you're not familiar with so that's why you wouldn't have occasion to know whether there was racist advertising or not.

MR. SANDLER. No. I'm familiar with the race, certainly. This is the first I've heard of charges that the advertising run on behalf of any Demo-

cratic candidate was inappropriate in that respect.

CHAIRPERSON BERRY. My question— these two names that you used, Ms. Kwok, someone named Kramer and someone named something else, when you were talking about the comparisons—

MS. KWOK. Thomas Kramer is a German national.

CHAIRPERSON BERRY. And who was the other one—

MS. KWOK. Simon Fireman.

CHAIRPERSON BERRY. That they keep talking about? The same person; right?

MS. KWOK. They are two different—

CHAIRPERSON BERRY. The same one that Commissioner Lee was asking Ms. Allen about, that's Fireman? The same one you mentioned?

MS. KWOK. Right.

CHAIRPERSON BERRY. Okay. Do you have any information, Ms. Kwok, as to whether the parties have scrubbed their donor lists to make investigations of all Kramers and Firemans to make sure that they're not engaged in any illegal campaign contributions as a result of the Kramer-Fireman incidents, in the same way that Mr. Sandler talked about the scrubbing of the donor list—

MS. KWOK. I don't think so. I mean, I think otherwise it would have been reported. We would have heard about it, and I don't think we have.

CHAIRPERSON BERRY. There haven't been any media accounts that you know about of the parties scrubbing their lists of Kramers and Firemans to make sure—

MS. KWOK. No, there are not.

CHAIRPERSON BERRY. — they don't have anybody, or the White House having a list saying every time you get a Kramer or a Fireman, you'd better investigate this person or find out if they're an American citizen or what they're doing here? You don't have any evidence that that's happening?

MS. KWOK. We haven't heard anything at all in the media about it.

CHAIRPERSON BERRY. Right. And so here what we had, if I understood you correctly, were two examples of actual wrongdoing—

MS. KWOK. That's right.

CHAIRPERSON BERRY. — in these cases but no evidence that we know of of any scrubbing of lists or sustained inquiries or sustained media

accounts. In fact, it hasn't been sustained enough that I even knew who these people were.

MS. KWOK. Right. Most people don't.

CHAIRPERSON BERRY. I'll now ask Mr. Sandler. Does the Democratic Party scrub its lists to make sure that all Kramers and Firemans are investigated thoroughly to make sure that they're not either foreign nationals from Germany or someplace or people who are laundering—

All Firemans and Kramers?

MR. SANDLER. Absolutely. Both the prior review—the review of prior contributions that we undertook was done without regard to ethnicity or race. And in fact, we did accept money from Thomas Kramer. We returned it in 1994. Kramer gave to both parties. But we caught any number of other situations and it's all been out in the press and it's all been made public.

CHAIRPERSON BERRY. Any other Kramers?

MR. SANDLER. A variety of nationalities in which the DNC determined to return the contribution either at the time of the review that we announced last February or since then, because the contribution was inappropriate, because there were legal questions or because we didn't have sufficient information.

CHAIRPERSON BERRY. Were there any Firemans? You mentioned a Kramer.

MR. SANDLER. Well, Fireman was just a Republican donor. Kramer donated to both sides and we actually caught that at the time it was made and returned the money. But we certainly returned money regardless of race or nationality from any individuals who—based on the criteria in our review.

And going forward at this point under the compliance procedures that we put into place at the end of last January, everybody who has contributed an aggregate of \$5,000 or more is vetted in exactly the same way.

CHAIRPERSON BERRY. I still don't think you're answering my question. My question specifically is: As a result of the names of Kramer and Fireman being put somewhere in the media and people knowing about these two, did the DNC make a special effort to look through its files for any Fireman or any Kramer who appeared? And is the DNC on constant alert so that everyone knows that if any Fireman or any Kramer appears, you're to immediately investigate that person specially to make sure that they're not somebody who's engaged in campaign finance

controversy matters, as a result of the Kramer-Fireman evidence that we have?

MR. SANDLER. Yes. We did check to make sure that we had returned the contributions that Thomas Kramer had given and anything related—

CHAIRPERSON BERRY. Not answering my question, Mr. Sandler. I don't want to badger you because it's not a hearing or anything, but you're not answering.

Maybe I'm not asking the question right. Let me try it one more time and then I'll let you go.

Do you have in place procedures at the DNC and did you put them in place after the Kramer-Fireman names were in the media as having engaged in campaign finance violations, actual wrongdoing, if I understand the reports correctly—did you put in place procedures and do you currently have in place procedures so that any person who sees on your staff a Kramer or a Fireman as a donor is immediately alerted that these people ought to be especially scrubbed and looked at because Kramers and Firemans may have a propensity for engaging in campaign finance wrongdoing? That's my question.

MR. SANDLER. No. And we would never—we didn't do that and haven't done that.

CHAIRPERSON BERRY. Okay. That's all I wanted to know.

Yes, Commissioner George?

COMMISSIONER GEORGE. How does your party organize its fundraising when it comes to identifying ethnic groups that will be targeted as ethnic groups for fundraising? In other words, how do you decide what the categories will be? Do you decide that there will be category, Asian Pacific Islanders, and then we're going to have people whose job is to be raising funds among that community? Do we have another category, blacks, Jews, Catholics, whatever?

What are those groups? How do you break things up when it comes to fundraising?

MR. SANDLER. Well, in 1995 and '96 we had fundraising programs that were emphasizing the African American community, the Latino community, the Asian Pacific American community, the Jewish community, in terms of separate donor councils.

COMMISSIONER GEORGE. So there were four specific—

MR. SANDLER. Yes. We also have donor councils for the business community—there are a

variety of environmental activities and a variety of other—

COMMISSIONER GEORGE. I'm just concerned about the ethnic categories.

MR. SANDLER. Yes.

COMMISSIONER GEORGE. So there were four.

MR. SANDLER. That's right. Basically, you say how are they picked? These are groups that are base groups for the Democratic Party, that are important constituencies to the party, that had always participated politically, and we wanted essentially to ask them to support the party financially as well.

COMMISSIONER GEORGE. Does that create, though, the seeds of the problem, however well intentioned? Because once a group is targeted as an ethnic group by a political party for its fundraising, if things go awry, then doesn't the inquiry automatically become an inquiry into Democratic Party fundraising efforts to Asian Americans?

MR. SANDLER. Absolutely not. I mean, there's absolutely no reason then or now to be concerned based on the ethnicity of any of the groups with whom we raise funds about fundraising. No.

COMMISSIONER GEORGE. Well, won't the media naturally and not irrationally— whatever bad things the media has done, whatever abuses there are— if you begin the whole process by targeting a group ethnically, doesn't that mean if things go awry all of a sudden the investigation will be an investigation into fundraising efforts for— name the ethnic group?

MR. SANDLER. If the implication of your question is that we should therefore not attempt to involve and empower any of the ethnic groups that are important to us based on that because something might go awry, I don't see that. I mean—

COMMISSIONER GEORGE. Well, that's a conclusion one might draw from whatever the answer to my question is. What's the answer to my question?

MR. SANDLER. The answer to your question is no. It's not a consideration that we would ever have in organizing the communities and the constituencies that are important to our party that we would be concerned about press or public reaction to that. We have to let the people who make these accusations who draw stereotypes or generalizations answer for themselves.

MS. AU ALLEN. Let me offer one observation. I do sympathize with the DNC when news got out

that you had money raised by John Huang for the world to hear. And as you said, in general, the DNC had raised millions of dollars. And if you were to go and comb those records— and you have limited time, you've got to respond to the press, respond to investigators, and you have limited money, where do you go?

Well, a logical person would say, *Well, I'm going for the most logical part.* And it's not the right thing to do; it's wrong and it gives a stereotypical view of a particular group, but I can understand why some of the people would do that.

I do not know what the answer to that problem is.

CHAIRPERSON BERRY. What I don't understand is why you didn't go after the Kramers and the Firemans. They raised a lot of money, too. Why you don't have a special procedure for them.

I'm only kidding. I understand why you don't.

Commissioner George, were you finished?

COMMISSIONER GEORGE. That's fine, Madam Chairman. Thank you.

CHAIRPERSON BERRY. Well, I want to thank the panel very much. This has been very helpful to us.

We would ask the next panel to come forward, please: Dr. Suzanne Ahn, Mr. Michael Woo, Mr. Ling-chi Wang and Mr. Frank Wu.

We want to thank you very much for being with us today. You will each have five minutes to summarize your positions, and then there will be questions. So you will have full opportunity during the questioning to pursue other matters that you might wish to pursue. But if you could simply in the first instance sum up— and we'll go through the panel so that everyone has an opportunity to speak— we would appreciate that.

Dr. Suzanne Ahn is the first presenter. She is a physician and neurologist from Dallas, Texas.

We very much appreciate your being with us here today. Please proceed.

DR. AHN. Thank you, Madam Chairman.

My name is Suzanne Ahn, and I'm a neurologist and a physician in Dallas, Texas. My family and I have given to political parties and political candidates for the last 15 years in the six figures, mostly to Democrats but also to Republicans.

My family background is that I grew up in Arkansas and in East Texas and I have family in Dallas and in California.

About a year ago about this time, right before Christmas, I got a call from my friend Mike Woo from L.A. saying that some friends of his were being called by total strangers identifying themselves as being auditors from Ernst & Young who were hired by lawyers from Debevoise and Plimpton, who were hired by the DNC to investigate Asian American donations.

They wanted to know intimate financial details and about their citizenship.

So my first response to Mike was, *Mike, this is a scam.* I said, *This is one of those telemarketing frauds. High net worth individuals who had apparently given a lot of money to politicians.* But Mike wanted me to check it out because he thought I might know somebody in the DNC who could verify this information.

I called Ernst & Young and spoke with a man named Cort Eagle and I said to him, *I understand that you're investigating Asian American donors,* and he said, *Oh, yes, let me get your file.*

I said, *Before I give you my name, let me just ask you what type of questions you're asking.* And he proceeded to tell me that they were all typed up and that he would fax me a copy, because I had wanted a copy of it. And the questions were as follows:

What is your reported income on your income tax (return) last year? What are your assets? Are you an American citizen and how long have you been an American? Can you afford to make these donations? What is your Social Security number? And can we have your permission to do a credit check on you to verify that you can afford to make these contributions?

And so I said, *And if I don't give you my Social Security number and if I don't allow you to do a complete credit check on me, what will you do?*

And he said, *We will list you as being uncooperative and release your name to the press and return your money.*

I have now been called by the FBI twice and his name is William Buckley. Of course, my first response was, *That's your name?* He asked me if I knew John Huang; how did I know him; when, where, how many times, did he solicit money from me; and so forth. And he also asked about my sister-in-law, who was also called by Ernst & Young, and who was also called by the press. And she did not give Ernst & Young her Social Security number, as many of the Asian Americans were intimidated and did give their Social

Security numbers because they didn't want to appear like they had anything to hide.

But the FBI presented me with five names of people named Ahn and wanted to know if I knew them, if I were related to them, if I knew that they had given money to any political organization, and what do these people have to do with anything that he was talking about.

Let me tell you, getting a call from the FBI is extremely intimidating. It's worse than getting a call from the IRS. And I think that I'm sitting here thinking, being cooperative and answering all his questions, thinking, *My God, I've got an FBI file now and all because I had given money and my family had given money to politicians who have turned out to be fair weather friends and ungrateful hypocrites.*

I am here today to tell you what happened to me and my family and not necessarily to blame anyone but I do ask the DNC to get my money back. So this is an official request that I want my money back. If you think my money is not as good as somebody named Kramer or Fireman—besides the Mr. Fireman and the Mr. Kramer, then I would like my money back, too.

The press has been relentless. I've received calls from a number of press people, including the New York Times because my name was released by the DNC to the press as being a donor in the past. And they want to know where I was born. They want to know how much money I gave and why, what am I trying to buy, what am I trying to influence, who am I trying to get to. Which is all just absolutely ridiculous.

Usually those articles start off with so-and-so is a foreign agent or so-and-so is a foreign spy. Well, most Americans, including some Asian Americans, don't realize that John Huang is an American citizen, as are Charlie Trie and Johnny Chung. I've forgotten his name. I'm an American citizen, as is my sister-in-law, who was also called and maligned in the press as being a foreign agent.

So, I think in some of the articles, at the end of the article, they maybe put a statement—*Well, perhaps so-and-so is an American citizen.* But by the time you get to the end of the article your impression is, *My God, these foreign agents are crawling all over the White House and they're trying to buy the government—* and being accused of being foreign agents.

The Senate hearings were very frightening to me. Here I am in Dallas, and listening to these

hearings. And when I see Senator Frank Thompson accusing John Huang of being a Chinese spy, I look at him and I think, *My God, he looks like Joseph McCarthy*. And when they're talking to these Buddhist monks from California, my heart just goes out for these people being treated as criminals and being subpoenaed and being hauled out to Washington and being asked about finances.

Now, I'm not saying that what they did was right or wrong but when the white men violate a campaign rule, there is an investigation, there is a fine, and the fine is paid and no one gets hurt. There isn't this maligning of the whole race or the whole group or of being investigated by being called by the FBI, by being called by the press, by being harassed, by being accused of being a foreign spy or being a foreign agent, or motives being questioned about why you're giving money. I think there is an incredible double standard here.

And as far as Mitch McConnell's letter, it is—I have a copy here. You guys were talking about it. This is an extremely racist letter. And it says here, "The agents of Communist China and foreign correspondents operate freely within the Democratic National Party, the Commerce Department and the White House."

Here they're referring to John Huang and other Asian Americans.

CHAIRPERSON BERRY. What are you reading from, Dr. Ahn?

DR. AHN. This is a letter from Mitch McConnell, U.S. Senator, National Republican Senatorial Campaign. And in this letter he accuses Democrats of being in cahoots with agents of Communist China through their fundraising efforts.

Well, I know that—as a matter of fact, I recently just found out that—Mitch McConnell was married to Elaine Chou, who is an Asian American. And just because you're married to one doesn't cut the mustard with me. I mean, there are people who commit suicide.

And I think you raised a good point that it sounds like there were racist innuendoes during his race. And ultimately this is going to come to hurt him. He is fueling racism in this letter and ultimately it will hurt his wife, as well as the entire Asian community and it will hurt him.

And I think the Republicans are going to see a fallout from all this. More and more Asian American Republicans—and believe me, there

are more Asian American Republicans than there are Asian American Democrats. But we're seeing that people are totally disgusted with this political process and that Asian Americans are not being included in the levels that other groups are being included.

CHAIRPERSON BERRY. Dr. Ahn, one more minute.

DR. AHN. Okay.

When President Clinton announced his cabinet, he said that this is the face of America. I was very offended by that. There was not one Asian American in his cabinet. Asian Americans were relegated to deputies and assistants and deputy assistants and low level positions. There is not one Asian American in government today that is in a high profile position. We must be included.

CHAIRPERSON BERRY. Thank you very much.

Mr. Woo was the first Asian American elected to the City Council of Los Angeles and served on the Council from 1985 to 1993. He is now President of the Independent Fiber Network.

Thank you very much for being with us.

MR. MICHAEL WOO. Thank you.

Madam Chair and members of the Commission, I want to begin by thanking you for your prompt response to the community's petition. And I also wanted to specially acknowledge Justice Reynoso, whom I know from his service in California and who, after he left the Supreme Court, served very honorably as a member of the City Advisory Committee. So I'm very happy to be here.

I do have a number of things to say to you about the impact upon political participation of Asian Americans as a result of the controversy and its aftermath, but first just a few words of self-introduction.

As you heard earlier, I was the first Asian American elected to the City Council in Los Angeles. I served two terms, representing 235,000 people in the Hollywood area, of which Asian Americans comprise less than 5 percent of the registered vote. I ran for Mayor in 1993. Out of 24 candidates, I was the runner-up to Richard Riordan, who is now the Mayor.

During that process, I raised \$3.5 million towards that campaign, a large amount of which came from Asian Americans. I mention this in part just to illustrate to you that I know something about the political process and I'm somewhat experienced in fundraising and have talked

to many of the people in California and outside who have been touched or affected one way or another.

I want to emphasize to you that this controversy and its aftermath mark an immense setback for Asian Americans nationally. An immense setback in terms of our community's long-time efforts to move into the political mainstream. It is, I believe, a tragic reversal after years of slow but steady progress moving into that mainstream.

In order to understand the full implications, I think that you need to understand something about the historical involvement of Asian Americans, or perhaps more properly, the historical non-involvement.

As your staff has briefed you at the very beginning, there is a history of discrimination. There is a history of involuntary exclusion from the political process and what I would describe as voluntary non-participation from Asian Americans, perhaps partially in response to the history of discrimination and exclusion.

Asian Americans who are interested in politics have faced a special kind of dilemma which does not apply in the same ways to some other groups. Unlike other ethnic groups in this country, for the most part the Asian American population is not concentrated. With the exception of some parts of California, some parts of Hawaii, the population is not concentrated in the same way, which makes it more difficult to exert influence through registering voters or direct voter participation.

Furthermore, there is the so-called model minority problem, which you've heard alluded to earlier, the main point being that no matter how many Phi Beta Kappas you have, no matter how many summa cum laudes you have, no matter how many Asian American owned firms may show up on the lists of companies growing the fastest in this country, that does not translate directly into political power. It does not translate directly into a voice in the political process.

So, facing the reality of what Asian Americans must deal with, a number of different ways have been developed to try to find ways to develop a voice in that political process. One way has been raising money and donating money to political campaigns.

For Asian American candidates, and here I speak not only of my own case but in the case of many other Asian Americans who've run for of-

fice, the key to getting elected, especially in constituencies which are not predominantly Asian American, which is the situation for most Asian American candidates, is necessary to put together a multi-ethnic coalition.

In other words, you cannot rely only upon support from the Asian American community. It is necessary in order to be successful to build a coalition reaching out to others. However, those successful efforts frequently depend on the ability to raise money to pay for that effort, whether it's through advertising or through other means.

And so in other words, the ability of Asian American candidates to raise money and to develop a fundraising base from among Asian Americans has been very important for many of the Asian American candidates who have been successful in this country.

Now, why do Asian Americans donate money? I would submit to you that while Asian Americans have donated a lot of money to campaigns, Asian Americans as a group are not unique in this respect. That is, Asian Americans are not the only ethnic group in this country which has sought to raise its voice or its visibility in the political process by raising money, although you might not think that by reading some of the coverage about this controversy.

There are many different reasons why Asian Americans might want to donate. You might have Chinese restaurant owners who are unhappy about the way a county health department enforces regulations relating to storing food in the kitchen. You may have Filipino accountants who feel that they are being discriminated against because they're trained overseas and have trouble getting licenses to practice here.

You may have community groups that want to make sure that they're visible in the process of trying to fight for grants in the community development process.

I submit to you that you need to look at the work that was done by John Huang and by his colleagues during the 1996 cycle as part of that effort, and an effort which, I submit to you, is not unique to Asian Americans but is part of a time-honored legal and proper way to try to get involved in that process.

Nevertheless, as a result of the controversy and the aftermath, including the investigations, the media coverage and everything else, there has been a real backlash against Asian Ameri-

cans. which can be measured several different ways.

First of all, I would point out to you the conspicuous absence of Asian Americans at the highest levels of the Federal government, not only in terms of cabinet appointments but other high level appointments.

Second, there are other less visible signs. For example, some of the Asian American organizations have started getting reports from Asian Americans who are already Federal government employees who have reported difficulty getting security clearances or questions asked about them which probably would not have been asked about them before the last couple of years, about where their loyalties lie and whether they might potentially have some kind of loyalties other than to the United States Government.

Also, I have noticed, and a number of other people in California and elsewhere have noticed, that candidates for office, political parties and others have seemed somewhat less aggressive than they used to be approaching Asian Americans trying to raise money.

Now, of course, many Asian Americans do not object to not getting those phone calls or receiving those invitations in the mail. However, the lack of participation in this respect also potentially could mean less visibility in the political process to those candidates and to the officeholders.

I also want to mention a tendency to assume that people are guilty until proven innocent, just one example of which I would say, obviously, is the DNC audits that were referred to earlier in which— the way I would put it is a lot of people I know who got these phone calls consider themselves to be innocent individuals— innocent but guilty of having responded to fundraising appeals but otherwise not having violated any laws— who suddenly find themselves getting phone calls which are intimidating, harassing and in any case not something that encourages someone to participate in this way in the political process.

In my own personal instance, while I was not a recipient of one of those calls, I was the subject—

COMMISSIONER LEE. You didn't give enough money.

MR. MICHAEL WOO. Well, actually, I wasn't in a position to—

(Crosstalk: laughter.)

However, my own personal experience has to do with my experience having suddenly come under public media scrutiny as a result of a letter I wrote, a copy of which ended up in John Huang's correspondence file.

I may not have time here to go into detail on this. It has to do with something totally unrelated to fundraising, totally unrelated to the campaign, but a letter which I wrote on behalf of some Indo Americans who wanted me to help them find somebody in the Commerce Department who could answer questions about U.S. trade policy relating to India, a copy of which letter was sitting in John Huang's correspondence file, released to the press, which then resulted in two members of Congress making allegations, later found to be unfounded, that I was therefore somehow involved in this political fundraising scandal.

But to be serious about this, I was under a cloud for about six months. I was a subject of an Inspector General report which later, six months later, totally exonerated me of these charges. But it was my own taste of what it's like to be the subject of unfounded allegations and being assumed to be guilty instead of being assumed to be innocent.

I would be happy to go into more detail on that if you like.

I also wanted to mention the spectacle of legal permanent residents being scapegoated. And without going into the details of any legislation, some political figures have thought that they could come up with a remedy to the situation by banning contributions from permanent legal residents, banning political contributions from those individuals.

Well, none of us are here to defend John Huang or to defend any transgressions or any violations. Similarly, I think that we don't want to assume that a whole category of people here are necessarily guilty of somehow trying to influence the Federal government on behalf of foreign powers. And to say that permanent legal residents are a major part of the problem strikes me, as someone who's quite experienced in fundraising, as being a distraction, a diversion from the real problem, which in my opinion is that we have a political process which is all too obsessed with money.

In other words, it's not so much the illegal money that's a problem, but I think it's the legal aspects about the fundraising system which are

the real problem. But that gets us onto something else.

But the main point is to just say that by banning contributions by permanent legal residents solves the problem of money in our political process— I think— trivializes the real problem and is a distraction and is an effort to demonize these legal permanent residents as somehow being the main cause of a problem when I would submit to you it's much larger than that.

I have two closing points to make to you. The first closing point is this problem is bipartisan in nature. In my opinion, neither the Democrats nor the Republicans come out of this with clean hands, whether it is the Democrats in whose name the initial fundraising took place and in whose name the audits went on, or in the case of the Republicans in terms of the public comments, some of the things that have happened during the hearings. And I think that many Asian Americans, whether they are Democrats or Republicans, really hold both parties equally responsible for what happened in the past and what has not yet been remedied.

The last point I wanted to make is the impact, the negative impact of the controversy itself and the aftermath goes far beyond the individuals who have been named in the newspaper articles, who have been subpoenaed to the hearings. It really is a broader community-wide impact. And at a time when you would think that it makes sense for the community to fight back, instead I think many Asian Americans are coming away from this with a sense that this just points them in a very cynical and negative direction, leading to a sense that this whole system is corrupt and it's not worth getting involved in it.

While I and others have been trying to argue what in a sense is the counterintuitive response, which is we need to fight back, we need to speak up, we need to raise our profile, it's very hard to do that when not only the named individuals, but in the community at large there's a sense of wrong having been done to us, of scapegoating, of people who, on the basis of the color of their skin or the kind of surname they have, have been unfairly and wrongly accused of things that they did not do.

And so I submit to you the impact is really community wide. It is not upon just a few individuals. And we are hopeful that whatever ac-

tion is taken by this Commission can be part of the antidote to this situation.

CHAIRPERSON BERRY. Thank you very much, Mr. Woo.

The next presenter is Professor Ling-chi Wang, who is Chair of the Department of Ethnic Studies and head of the Asian American Studies Program at the University of California at Berkeley and founder of Asian Americans for Campaign Finance Reform.

Please proceed, Mr. Wang.

MR. WANG. Thank you.

I want to first express my appreciation for the opportunity to bring a historical perspective on the impact of the still unfolding campaign finance scandal on the Asian American communities across the nation now pending before this Commission.

I come before you as a historian of Asian America and as the founder of the Asian Americans for Campaign Finance Reform, a national organization devoted to mobilizing Asian Americans behind the national movement for campaign finance reform.

I cannot think of one incident or issue in the 150-year annals of Asian America that has been given more intensive and sustained attention, vilification and investigation by our politicians, law enforcement and national media than what we have been witnessing in the last 14 months.

As a result, I cannot think of a more decisive civil right setback for Asian Americans in the past 30 years than what we collectively have been put through this past year, a deliberate conflation of foreign Asians and Asian Americans and, in the process, Asian Americans have been collectively stereotyped as foreigners and, therefore, denaturalized.

I want to make it amply clear that there are two major issues in the campaign finance scandal: the corruption of American democracy and the racialization of that corruption itself. As an American citizen, I consider the corruption of American democracy to be primary between the two. All three branches of our government are now placed on the auction block and big money is now the prerequisite for participation in democracy and influence on and access to our government.

John Huang, the Asian American at the center of the scandal, represents only the tip of an iceberg I call political corruption and the cancer

that has effectively undermined, if not destroyed, the oldest democracy on earth.

The \$3.5 million he allegedly raised for the 1996 Democratic campaign is really a drop in the bucket when it is put against the \$2.2 billion raised and spent in the 1996 Federal elections, not counting the state and local elections. Incredibly, he attracted over 90 percent of the national media attention.

As an Asian American, I do not condone his contribution to political corruption, nor do I feel obligated to defend him and other Asian Americans implicated in the scandal. This is a matter to be decided in a court of law. However, I'm not a pollyanna either.

I do find this peculiar phenomena of racializing the scandal or corruption to be an injustice and a major setback to the nascent Asian American historic quest for inclusion and empowerment that began some 30 years ago, and a curse to American democracy because racism in this case has been deployed not just to incite indiscriminate racist sentiment toward and treatment of Asian Americans for partisan political power struggle and media sensationalism, but also to cynically divert public attention from the most pressing issue of campaign finance reform, which neither the Democrats nor the Republicans want.

As a result, I cannot think of anything more diabolical and cynical than the use of racism to camouflage political corruption and to evade reform.

What I have prepared for you is a very sketchy historic overview of how racism, or anti-Asian exclusionism, has been used by politicians and the media to systematically oppress immigrants from Asian countries in the past 150 years and how the attitude toward and treatment of Asian Americans in the unfolding campaign finance scandal fits into this well established historical pattern. And I do not want to bore you. I prepared about 30 pages.

CHAIRPERSON BERRY. You can submit it to us to read.

MR. WANG. I will submit that. And I hope this historical perspective that I have included, which I don't have time to go through but some of which has been touched on by the previous witnesses, will help this Commission understand why Asian Americans are angry about what has happened to them since the Fall of 1996; why Asian Americans must not be shy about attack-

ing political corruption; and why they, too, must make a contribution not to campaign coffers, which most of them cannot afford anyway, but to campaign finance reform if they are going to be included in American democracy.

The United States considers itself a democracy in which everyone regardless of race is free and equal. As a nation we have fallen far short of holding up this fundamental promise. Instead, we have repeatedly allowed racism to blur our vision and subvert democracy, as I try to illustrate in that 30-page or so presentation.

CHAIRPERSON BERRY. And you have about a minute and a half. Thank you.

MR. WANG. Okay. But as imperfect we as a nation have been, we unlike other nations do have a legal framework and democracy process, fragile and cumbersome though they are, to correct our mistakes and to transform our nation into a multiracial democracy. As our nation becomes increasingly multiracial and the world becomes smaller and is brought closer, especially through transnational capital and immigration, our task is to fiercely protect and make full use of these tools of democracy to help create a truly equal and just society in which everyone can indeed be proud of his or her own racial and cultural identity and through which he or she can truly celebrate our diversity and democracy.

As I tried to suggest above, the democracy that has given hope to the disenfranchised is now wrecked by big money and corruption, and the racialization of this corruption has seriously undermined Asian Americans' quest for equality, inclusion and empowerment, on the one hand, and prevented us from taking significant campaign finance reform steps toward restoring true democracy to this nation, on the other hand.

I urge this Commission to help us correct this racial injustice and to help redirect public attention on the urgent task of campaign finance reform that will guarantee full and equal participation of all Americans, regardless of race, class or gender.

Thank you.

CHAIRPERSON BERRY. Thank you very much.

Our next presenter is Mr. Frank Wu, who is also a professor, an associate professor of law at Howard University. He's written several articles about the campaign finance controversy and its impact on the Asian Pacific American community, among other things.

Thank you very much, Mr. Wu, and please proceed.

MR. WU. Thank you and good morning.

Let me apologize in advance. I need to leave at 12:15 because I have an out-of-town funeral to attend.

Like any law professor, I have three points to make. First, I'm going to try to present an overview, a way of understanding this controversy and the civil rights violations that have occurred. Second, I'd like to speak to the DNC audit; and third, to the First Amendment issues I think which are raised by this controversy.

Let me begin though with an overview.

1996, I think, marked a turning point for Asian Americans. Before 1996, Asian Americans were stereotyped, with some truth, as apathetic about politics, government and public policy. About five years ago, for example, the Washington Post, in one of the few major media articles on Asian Americans in politics, ran a headline calling Asian Americans apathetic. There's some truth to that.

But in 1996, suddenly Asian Americans were transformed and we emerged in the glare of the media spotlights as not only active but sinister, the most powerful lobbying group inside the Beltway, agents of foreign influence able to easily change White House policy to our liking.

This, I think, as equally a stereotype and equally inaccurate. And over the past year as we've seen a parade of Asian names and Asian faces in the newspaper headlines and leading the 6:00 news, what has been left out are not just the positive accomplishments of Asian Americans and our right to participate in the process of developing policy, but also, as you've heard from earlier witnesses today, the fact that only half or fewer than half of the alleged wrongful contributions actually came from Asian or Asian American sources. Yet what we see and what we have heard about are almost exclusively Asian Americans. And the line, as has been mentioned, between Asians and Asian Americans has been blurred.

What I think though has not been made clear yet this morning is that this is not just a matter of concern to Asian Americans, not just a matter of hurt feelings and of sentiments and of how we as a community will react. I think rather this is something that should be of concern to all Americans because it potentially affects everyone. Because if this can be done to Asian Ameri-

cans, this type of prejudice and stereotyping with such ease, it's only a matter of time before other groups are accused of similar disloyalties and stereotyped in this manner.

I would suggest also that it's not just Asian American self-interest, how we will be involved in politics, that is important here. There are principles at stake, principles that have to do with racial stereotyping.

I think it's been made abundantly clear already that no one appearing before this distinguished panel is advocating any defense of wrongdoing and that we're all interested in reform, although we may disagree on particular proposals. But I want also to emphasize that we as a society have a consensus, I think, that racial stereotyping is wrong. I want to explain and explore how racial stereotyping has existed in this controversy because I think it's important to lay out the details and explain why some of the media coverage does constitute racial stereotyping.

Two things have happened, I think. First, many articles have discussed the alleged wrongdoing of John Huang and others as if it was a result of their racial background. You have seen numerous articles analyzing this controversy which explains that while they were Asian—and, of course, this is how Asians do business, this is what Asian people are like—they were just normal Asians doing what Asians do. And so there's racialization in the sense that people's actions are explained by their racial background.

Second, there's racial guilt by association. People have suggested explicitly and implicitly that the actions of a handful of individuals accused of wrongdoing who stand at the center of this controversy reflect upon all others of a similar racial background. I think the examples are clear from the comments made by Senators themselves, my members of the House, by mainstream media outlets, by the numerous comments which suggest that the individuals who are involved in this controversy in some way represent all Asian Americans. I think that's what's unfortunate because none of these individuals was elected to represent Asian Americans. They were appointed by the DNC to raise money from Asian Americans. And that's a crucial distinction.

But I think there's an explanation for this racial stereotyping and a reason that many people don't understand this as racial stereotyping. It has to do with the image of Asian Americans as

perpetual foreigners. This blurring of the line between Asians and Asian Americans, a failure to grasp that just as there are people who are white who are European, and just as there are people who are white who are U.S. citizens, so, too, also there are Asians who live overseas who are citizens of foreign countries and there are Asians who live here, some 10 million of them, who are properly U.S. citizens just like everyone else.

So, many people react to this controversy by saying *What's the problem?* This is about citizens and foreigners. It doesn't have anything to do with race. It's just about these Asian foreigners. Well, that's precisely the stereotype. The idea that Asian people here will soon go away. That we are foreigners. That we're tourists. That we somehow don't belong.

I think that explains— and there's a series of law review articles by Neal Gatanda which explores this thesis— that if we understand race in this country as solely black and white, what happens to non-black racial minority groups is they're left out and characterized as somehow foreign and not belonging. So I think that goes a long way toward explaining why the racial stereotyping isn't recognized. It's confused with distinctions between citizens and foreigners.

Let me now move to my second point. And I apologize because, like a lawyer, I'm also going to speak very quickly to get through these points.

With respect to the DNC audit, I urge this panel to look at the actual documents released by the DNC itself and to look at the comments closely made by Mr. Sandler earlier this morning.

The DNC audit looked at seven categories. Among those categories were all individuals who had given money through John Huang; all individuals who had given money through Johnny Chung; all individuals who had give money through Charle Trie. And, in category number seven, all individuals who had given amounts of money in excess of \$5,000 in connection with any event embracing the Asian Pacific American community. That, again, is from the DNC's own documents which they put out in February of this year.

The seventh category is clearly a racial category. In addition, to their credit, the DNC did audit big donors. But let me be clear. With respect to big donors, they audited everyone. But

when it came to Asian Americans, it wasn't just the big donors who were audited. They went after all the Asian Americans and then all the big donors who weren't Asian Americans. So that's the distinction. It's over-inclusive.

So are they telling you the truth when they say they audited everyone who was a big donor? Yes. But that's not the standard to which they held Asian Americans. They went below the big donor category.

Indeed, other than their main audit, after that, after February of this year, they conducted a second audit where they went back to catch the smaller Asian American donors below the \$5,000 threshold whom they missed the first time around. And they subsequently returned more money.

As a result of this audit, they looked at 424 individuals who were Asian American. More than 80 percent of them turned out to be citizens who gave money perfectly properly exercising their rights. Eighty percent. Those are the people who are being wrongly targeted because of race.

Now, you might ask isn't this though just auditing people with some connection to John Huang? Not so. Take a look at the remarks made by Governor Romer when he announced the results of this audit and also the remarks made this morning by Mr. Sandler. The donations from Asian Americans were credited to John Huang because he was the individual assigned to the Asian American desk whether or not he actually had contact with them in many instances.

So there are numerous examples of people who were not directly solicited by John Huang, who did not have contact with him, who nonetheless were audited because they're listed as people who John Huang gets credit for. That's just a matter of fundraising and sales. That's the kind of thing that happens whenever you assign any particular individual responsibility for a group.

I would suggest, however, that this doesn't mean that the DNC or any other political party should give up outreach toward Asian Americans or any other racial group nor that racial minority groups should give up participating in politics as racial minority groups. To suggest that indicates the logical fallacy which I think underlies a lot of the media coverage here.

To believe that many of the wrongdoers were Asian Americans, some people then translate as meaning most Asian Americans also are wrong-

doers. That's a basic fallacy in logic. All X are Y does not mean all Y are X. And the premise, by the way, is also not true. It is not true that most of the money given that was improper came from Asian Americans. So the premise isn't true. But even were it true, that wouldn't justify the racial stereotyping.

So what we see from the DNC audit is replicated by media coverage where individuals are contacted because of their surname, as you've already heard testimony to that effect. And what happens here then is that individuals who did not themselves do wrong are swept into the frenzy and hysteria. And I think when it comes to every other racial group we all agree this is simply wrong. This is the essence of racial stereotyping. To believe that if someone of a racial background does something wrong that you must therefore investigate everyone.

The problem with Kramer and Fireman was more than just that other people named Kramer and Fireman weren't investigated. No one thinks that if someone named Kramer or Fireman does something wrong that that means that every white male must be investigated. The media doesn't think that. The DNC doesn't think that. It would be recognized as absurd.

So I think what has happened here— and I don't mean to single out the DNC. It's just that their audit is the easiest example of this and represents a great deal more that was done.

Look, too, at the questions that were asked. The question *Are you a citizen?* although asked of everyone, I think has particular resonance for Asian Americans because it's a question that Asian Americans are familiar with, that we are asked quite a bit. In fact, it's one of the defining features. I would suggest, of being Asian American. The question *Where are you from?* when answered no. *Where are you really from, when are you going back, and why do you speak English so well?* Those are the kinds of comments that Asian Americans are well familiar with and they have a different cultural meaning for Asian Americans and for other people who get the questions often than they do for everyone else.

Look, too, at the other documents the DNC released. Look at their instructions to their lawyers and auditors to have translators ready because some people wouldn't be able to speak English, and look at the languages for which they were prepared to translate. Every one of them Asian languages.

There was no question that by intent, by design, by impact, this audit, like the media coverage that it represents, was targeted at Asian Americans.

Let me now turn very briefly to the First Amendment points. I think there are two here.

First, I want to make clear that no one is suggesting that the media should have anything other than the unfettered right to report the facts. Nonetheless, I think with that right comes a responsibility to report fairly and to not stereotype. And I would suggest that criticism of the media itself represents the best forum of free speech. That's precisely what we should be engaged in, questioning the media and holding it to the standard that it would hold all of us to.

There is, I believe, also a more significant First Amendment issue here, and that is the right of lawful permanent residents to give money. Now, some people may ask, *Well, why shouldn't lawful permanent residents just wait until they're citizens?* Well, the answer to that is because of the Supreme Court's decision in *Buckley v. Vallejo*, in which it characterized campaign expenditures and campaign contributions as similar to free speech, partaking of First Amendment constitutional concerns.

What this means is that if you silence the right of lawful immigrants, green card holders, citizens in waiting, to use a common term, that what you're doing here is curtailing their First Amendment rights. And if here, then, as a constitutional matter, if that were accepted, so, too, could you prevent them from protesting, from speaking out, and curtail their First Amendment rights elsewhere.

But it's not merely a matter of First Amendment right. There's also I think been a misperception. Much of the perception of the wrongful donations has used the term aliens or foreigners without recognizing that lawful permanent residents occupy a special legal status.

And with respect to campaign finance, I urge you to look at the specific statutory provision defining who is a foreign national not entitled to give money. It specifically explicitly exempts lawful permanent residents. Not as an accidental loophole but on purpose. Because in the post-Watergate era in 1974, then-Senator Lloyd Bentsen sponsored an amendment to that effect, as various other measures were being enacted, which passed the Senate by an 88 to zero vote,

creating this specific rule for a rationale which makes sense today, as it did then.

The rationale was green card holders are stakeholders. They have a stake in our society as represented by the fact that they pay taxes and are obligated to serve in the U.S. military in the event of a draft. So, other than the naturalization period and the waiting period, green card holders occupy, for constitutional law purposes, much the same category of citizens. And to curtail their rights here, I would suggest to you, would start a dangerous trend that would further a pattern of demonizing not just Asian Americans but immigrants more generally.

So in conclusion, let me urge this Commission as it goes about its work to look at the actual documents released by the DNC, to review the media coverage, and to ask *Is their racial stereotyping here that which we would find troublesome if not simply wrong if it involved any other racial minority group?* Because there are principles at stake here.

Thank you.

CHAIRPERSON BERRY. Thank you very much, Professor Wu.

Does any member of the Commission have any question for any member of the panel?

VICE CHAIRPERSON REYNOSO. Madam Chair?

CHAIRPERSON BERRY. Yes, Vice Chair.

VICE CHAIRPERSON REYNOSO. Since Mr. Wu has to leave in five minutes, I think, let me just ask him a question.

Could you tell us a little bit further what your thoughts are in terms of what the responsibility is of the press in terms of reporting. You indicated, at least as I interpreted your testimony, that the problem sort of began with the way the DNC was doing its work and then the press reported it.

Was the press properly reporting what the DNC was doing which itself was creating stereotypes or reporting in a stereotypical way, or did the press have an independent obligation here to correct that, to report it more accurately? What is that relationship?

MR. WU. Well, I think the press was doing the same thing well before the DNC did.

VICE CHAIRPERSON REYNOSO. So independent of?

MR. WU. Yes.

VICE CHAIRPERSON REYNOSO. Okay.

MR. WU. One of the ironies, the mainstream media did not much cover the DNC audit and

Asian American responses. And one of the reasons is the media was involved in doing exactly the same thing. They were combing through FEC lists.

And there are numerous articles in the Asian American ethnic media where Asian American individuals will say, *Yes, I was told by the L.A. Times that they took my name off a list, and that list was compiled by looking for people named Wong or Wu or Lee or things of that nature.*

So, the irony here is that one of the reasons there is scant media coverage of the racial stereotyping is that the media itself is engaged in the same form of racial stereotyping.

So what obligation do they have? Well, I think here it's not that the media is racist. That's not my message. It's not that there's a wrongdoer. It's not that someone is trying to control the mainstream media. It's not that editors get together and say, *Let's sling mud at Asian Americans.* It's rather as a general systematic matter.

First, our culture has certain stereotypes. And second, the media does a generally poor job overall covering racial minorities, not just with respect to this. But it's because of their failure to have developed Asian American sources earlier, to have known the Asian American community. It's because it's only when there's scandal and wrongdoing. And that further reinforces the image that Asian Americans are involved in this kind of wrongdoing.

VICE CHAIRPERSON REYNOSO. And one question on Mr. Sandler.

From your testimony, I take it that you believe that he told the truth but not the whole truth.

MR. WU. I think everything he said was truthful.

VICE CHAIRPERSON REYNOSO. But your testimony was that there were subsequent audits—

MR. WU. There was at least one other audit. Yes.

VICE CHAIRPERSON REYNOSO. — that went below the \$5,000 mark—

MR. WU. Yes. Yes.

VICE CHAIRPERSON REYNOSO. — you said where the identification was specifically by surname. Was that your testimony?

MR. WU. No. Not specifically by surname. The same seven categories, my understanding, from what the DNC itself later publicized when it returned a second batch of money, that it used the

category "all people who gave money in connection with DNC events embracing the Asian Pacific American community."

There are two documents. One uses the word *embracing* the Asian Pacific American community. The other uses, ironically enough, the word *targeting* the Asian Pacific American community.

Now, naturally enough, almost all the people at those events were Asian American. And, in addition, many people who were Asian American who gave money not through any of these individuals or through these events nonetheless are credited in that manner.

VICE CHAIRPERSON REYNOSO. Okay. So it had the effect of incorporating, one, mostly Asian Americans because most of those who attended those events were, but, in addition, those who had Asian American surnames were credited to those events whether they attended or not. So the net effect is that you really did have a predominant investigation of contributors with Asian American surnames who contributed under \$5,000. Is that your testimony?

MR. WU. My testimony is yes, if you don't look at the question of the big donors. If you look at the DNC's own documents it becomes abundantly clear that other than the big donors that they went after, it was predominantly Asian Americans.

VICE CHAIRPERSON REYNOSO. Thank you very much.

CHAIRPERSON BERRY. Any other Commissioner have any questions for any member of the panel?

COMMISSIONER LEE. I just have a—

VICE CHAIRPERSON REYNOSO. I have some other questions. I was just limiting it to Mr. Wu because he's got to leave.

COMMISSIONER HORNER. Madam Chair, I have some questions of Mr. Wu, and I recognize he has to leave. Maybe we can just do follow-up later. It's questions relating to the legal permanent resident issue.

CHAIRPERSON BERRY. If you want to, why don't you.

He has about three minutes. Maybe you can ask him one.

COMMISSIONER HORNER. I've been, over the course of this whole scandal, very taken aback at the ease with which lots of people have slipped into ancient stereotypes. And, in combination with concerns about the relationships between

the United States Government and the Chinese Government, that suggests to me that there could be great difficulties ahead for this whole area of foreign policy and domestic policy.

My reaction to that has been to say we need to have a very bright line in the country between citizens and non-citizens for political purposes, so that everyone who participates in our process is assuredly and visibly a citizen, for the very protection of people who come from other lands. And, therefore, it's been my thought that it's a wise policy to create this bright line, which doesn't currently exist in law, and to say that the day one swears allegiance to this country is the day one votes, one contributes, one campaigns, one does all these things. I know there are constitutional questions. I'm not a lawyer. And that's why I wish we had a little more time to explore them with you. I don't think there's ever been a Supreme Court case specifically directed to this particular issue, although I understand the context in which you're speaking.

So I guess I would like to hear your reaction to that as a matter of policy rather than law.

MR. WU. Sure. I would have three reactions. First, while a bright line could be drawn, what's unfortunate—

VICE CHAIRPERSON REYNOSO. Excuse me. Let me just say not every professor always has three points.

MR. WU. I almost always do.

(Laughter)

MR. WU. First, I think as you have just mentioned the line is not a bright line today, and what has been unfortunate is that despite the lack of clarity, many Asian Americans are being characterized as foreign when in fact they're citizens or as lawful permanent residents when in fact they're citizens or as unentitled to give when they're lawful permanent residents who are entitled to give.

So, first, as a factual matter, I think there's a problem with the way things have been perceived.

Second, I think the constitutional issue, the problem — as appealing as drawing a bright line is, it runs into problems because you're talking about people's right to participate. And you might say, *Well, what right do green card holders have to participate?* But if you take away their right to participate by campaign contributions, because of the way the court has characterized campaign contributions that runs into

conflict with First Amendment issues. Specifically, it suggests that if you accept this, that what that means is that immigrants, people who are green card holders, could have their First Amendment rights curtailed in a much more traditional sense. They could be censored. They could be told not to protest. They could be deported if they protest.

There's a line of cases, an emerging and I would say not yet secure line of cases, which does speak to the First Amendment right of immigrants and the idea that everyone who is here in the U.S. has the right to speak.

So if we draw the line with respect to campaign contributions, what then will happen to the right to speak out, to participate?

Now, the third question that I would raise is what then do we do about the fact that many people do occupy an ambiguous status, where they pay taxes, they have to serve in the U.S. Army if they were to be drafted, and that sort of thing. What do we do about the fact that some people have burdens imposed upon them without having the opportunity to respond?

Actually, I do have a fourth point. The fourth point is this. That distinctions on lawful permanent residents, unfortunately while they sound as if they're neutral, the impact quite frequently is not. The intent and the impact are not. So that some people are presumed to be unlawful permanent residents and not citizens, despite the formal neutrality of the rule, and other people are assumed or taken for granted to be citizens.

And so that's the problem.

COMMISSIONER HORNER. Are lawful permanent residents still legally speaking citizens of the country from which they've come?

MR. WU. Yes, they are.

COMMISSIONER HORNER. In that case, when there's a public policy issue that involve the interests of the United States and the interests of the country from which they come, to whom does someone who is a citizen of some other country owe loyalty while awaiting a decision as to whether or not to become a citizen of the United States?

In other words, aren't we setting up a situation in which there's— if not a real conflict, which might occur fairly rarely— a politically dangerous ambiguous message?

MR. WU. Sure. And I recognize that. I would point out only that we have plenty of people on K Street who make a very good living, most of

them not Asian American, not lawful permanent residents, as registered foreign agents. Yet we don't have much difficulty when it comes to some people recognizing that there is not a dual loyalty issue or, if there is, that it is not troubling to us.

COMMISSIONER HORNER. But we do call them foreign agents, though. And that's not a happy title...

MR. WU. My point is simply this. That there's no reason to believe that there's a correlation. No one has demonstrated as an empirical matter that there's any correlation between someone being a lawful permanent resident and the propensity to act as a foreign agent. In fact, the people at the center of the controversy are not lawful permanent residents. Nor if you are a foreign government seeking to wrongfully influence the U.S., would it make any sense to use lawful permanent residents rather than citizens in a legal sense or in an illegal sense.

COMMISSIONER HORNER. I'm speaking more to what I perceive to be a threat to those lawful permanent residents and to their citizen fellows who come from that same country. And I think that although it may be very much in the political interest of people who are raising money through ethnic groups to be able to raise large sums of money in the near term, I think in the long term that is a serious question that we ought seriously to deliberate whether it really is in the interest of people who are not yet citizens to participate at that level.

Anyway, thank you very much.

MR. WU. I would only ask this question. If the concern is with campaign finance violations, why would a ban on contributions by lawful permanent residents address that concern at all?

COMMISSIONER HORNER. It would address the question of whether people whose loyalties are ambiguous or not yet declared in a serious way are participating in our political process. And that will lend credence, no matter how illegitimately, to stereotypical attacks based on foreignness.

I have been very shocked, and since then very educated, by the ease with which the question of foreignness has been sparked in our national communication.

MR. WU. Right. And I would suggest that that's the problem. That the real problem there is the stereotyping.

COMMISSIONER HORNER. Perhaps.

MR. WU. I think your proposal does bear merit.

COMMISSIONER HORNER. I will persist in saying that I think being able to say *I am a citizen* is an enormously strong deterrent to this type of stereotyping. And being able to be accused of not being a citizen but still influencing the process and potentially having divided or ambiguous loyalties is a threat.

Anyway, enough said. I appreciate very much what you're provided.

CHAIRPERSON BERRY. Professor Wu and Commissioner Horner, I very much personally appreciate this exchange, because I finally understand the politics of this issue that you've been raising over and over again, Commissioner Horner, which I did not understand at all. But this exchange has now enlightened me and it's very useful to me.

And, Professor Wu, I don't think you were responding directly to her concern which, as I understand it, is about when political issues arise which have to do with foreign policy and other countries, naturally people will look at people who they may think are foreign nationals— who are not citizens— who have loyalty to other countries and think about their political participation. And whether all these concerns are something we should think about in terms of what it means to the body politic.

And my last question to you would be: Would we solve all these problems— and maybe others on the panel will have an answer— if we were to have *Buckley v. Vallejo* overruled or somehow modified so that money was not speech? Because that's the constitutional provision.

You were talking about that case; right?

MR. WU. Yes. That would be the other alternative. And I express no view on whether that would be appropriate.

But I would add that a ban on contributions from lawful permanent residents would not make it any easier for me to persuade my neighbors that I'm a citizen or to persuade them not to stereotype against me.

And with that, I'll excuse myself. Thank you.

CHAIRPERSON BERRY. All right. Thank you very much.

Any other Commissioner have any questions for anyone else on the panel?

VICE CHAIRPERSON REYNOSO. Yes.

CHAIRPERSON BERRY. Go ahead.

VICE CHAIRPERSON REYNOSO. Mr. Woo. I've had at least one Asian American law student— I'm teaching at UCLA— express concern to me that the Asian American community has been as concerned as it has about the current controversy. And he said, *Look, you know, we Asian Americans are making great strides. We just had an Asian American elected governor in the Northwest. I think that if we stopped ourselves talking about the stereotypes, maybe some of those stereotypes would evaporate.*

What should my response have been to the student? It was between classes and we didn't have a chance to finish our discussion. So I want some guidance.

MR. MICHAEL WOO. Commissioner Reynoso, while all Asian Americans are proud of the historical accomplishment of getting the first Asian American on the continental United States elected to the position of Governor, that does not take away the rest of the reality, which is that at least in terms of American politics, that Asian Americans are not very visible, that the level of accomplishment in the area of academia or business is not matched by representation within the political process.

And furthermore, if you really had more than a lunch break or a break between classes to talk to the student, this gets at one of the really interesting issues about this community, which perhaps goes beyond the subject of this hearing, which is for Asian Americans of the age group you're talking about, to what extent are they going to identify with the Asian American community as they get their law degrees, as they get their MBAs, as they get out to the suburbs, buy their houses, buy their BMWs or whatever. Are they still going to connect back to Chinatown, Koreatown, little Saigon? And to what extent will there be a sense among the upwardly mobile Asian Americans that they accomplished what they accomplished without any reference to their ethnicity— that is, that they owe nothing back to the community they come from? Or will the generation of which the student you talked to is a member feel some kind of connection to the Asian Americans who are not as well off, who don't fit into the model minority stereotype, who may have problems no really represented by people in the economic category you're talking about?

So, the question you're raising I think brings up a lot of bigger questions about ethnic identity

and how this community which is extremely diverse coheres together, especially when something like this goes on.

So the response I would make is that this is not obsessing on discrimination. It's not trying to make a race issue out of something that is not a race issue. But instead, in a way, I think what's happened in the last couple of years has been a wakeup call to many Asian Americans who may have thought that they were accomplished, or may have thought that they had gotten beyond the color of their skin, and now realizing that many Asian Americans still get called back on the carpet because of the way they look or the kind of surname they have.

VICE CHAIRPERSON REYNOSO. Dr. Ahn, I just found your testimony so compelling as a person who's gone through this experience. Have you had an opportunity to speak with your own local newspapers and others to let folk know about your personal experiences? Because we've heard testimony— you heard it— about the general reaction in the community. But when they hear a person speak of one's personal reaction, then one can understand how other folk could have the same reaction.

I just wonder whether you've gotten your story out, whether you've tried actively to educate all of us about what happened to you and what happened to others in your situation.

DR. AHN. Yes. I have spoken with the Dallas Morning News. But frankly, I'm not interested in being a martyr or calling attention to myself. I've got kids at home. I've got a medical practice. I have other things to do. But because I think this is a compelling situation I have spoken to a number of reporters.

Sir, I'd like also to add to Mr. Woo's comment to your question.

VICE CHAIRPERSON REYNOSO. Yes.

DR. AHN. I'm asked constantly: *You know, Suzanne, you're a successful doctor, you make a lot of money; how can you possibly say that you've ever been discriminated against?* Well, that's just a bunch of nonsense. There are all levels of discrimination, everything from the little insults that I get every single day reminding me that I'm different.

When I grew up in Arkansas back in the '50s and '60s, there wasn't a day— and to this day there's not a day that I'm not reminded that I'm not as American as somebody who's white.

And there are things like the glass ceiling. There are things like hate crimes. And to say that Asian Americans are not discriminated against is just— I mean, you have to blind.

VICE CHAIRPERSON REYNOSO. Thank you.

CHAIRPERSON BERRY. Any other Commissioners have any questions for any of the briefers?

COMMISSIONER LEE. I have some.

CHAIRPERSON BERRY. Yes, Commissioner Lee.

COMMISSIONER LEE. Dr. Ahn, you mentioned that during the phone calls, it seemed as though they were using a threatening matter. Like, you know, *If you don't cooperate with us, we will do A, B, C, D or E.*

Have you tried to contact the CPA professional association to see if there's any professional code of conduct that they have to follow and whether they have violated that code?

DR. AHN. No. But it seems to me just as a regular person and not a lawyer that there was a tremendous violation of privacy, of credit laws and rules and just general decency.

COMMISSIONER LEE. As if our staff doesn't have any other things to do, I'd like them to look into that and see if there's any professional code that existed.

CHAIRPERSON BERRY. That would apply to this situation?

COMMISSIONER LEE. Yes, the CPAs.

The second question I have is to Councilman Woo.

MR. MICHAEL WOO. I'm a civilian these days so you don't have to—

VICE CHAIRPERSON REYNOSO. That's not a title that stays with you forever?

MR. MICHAEL WOO. Only for a Supreme Court Justice.

(Laughter)

COMMISSIONER LEE. In my mind, you're still an elected public official.

You mentioned that you have experienced raising money and you work with the community that's contributed money to you. There were some comments made that Asian Americans give money because they want something back, and the stereotype is they want to influence policy—that's not part of American domestic policy.

And you also mentioned that people give you money because they wanted to change certain things that happened to the restaurant and to the school. Can you elaborate on that a little bit? Why do you think Asian Americans give money to candidates? Is it for themselves, for their lives

here, or for their former lives in their former countries?

MR. MICHAEL WOO. Let me try to answer you both generally and specifically, but first, generally, in terms of why do people of any ethnic background give money. There are many different reasons, some of which are quite noble, others of which are quite personal, ranging from people who want to change the world in some way or who want to change some kind of policy or get some kind of specific policy adopted, to others who just like the candidate or think it's a just cause.

So, there are many different reasons; from the restaurant owner who thinks that getting cited for leaving roast duck out for six hours in temperature is wrong, that that should be allowed by the law, to somebody who just thinks this candidate has the right policy.

The second part of your question has to do with do foreign considerations ever play a part. To be frank with you, I think sometimes they do. However here again, as I said earlier, Asian Americans are not unique in this respect. It could be that some American citizens— and here I'm not talking about green card holders, but American citizens of a particular ethnic background— may want to support a candidate for Congress who feels a certain way about Japan or about Taiwan or about China or about Indonesia on one side or another, and might end up supporting a candidate who supports those views. That happens sometimes. But again, I underline the reality that Asian Americans are not alone in that respect and that it's entirely lawful and proper for that to happen.

CHAIRPERSON BERRY. Commissioner Anderson?

COMMISSIONER ANDERSON. Mr. Woo, I'd like to ask you a question. You have been involved in public life for a long time, having to deal with the news media. It would be interesting since our next panel is going to be on the media whether you would talk to us for a few minutes about how you see the problem of stereotyping in the news media from your personal engagement with it over a period of years. Not necessarily you personally in terms of how you've been dealt with by the media, but you must have some thoughts on this that you can share with us.

MR. MICHAEL WOO. Yes. Over the last 15 years or so, I have seen some irregular uneven progress in terms of the sophistication or the

adequacy of news media coverage about Asian Americans. Whether you're talking about specific newspapers or television stations or specific correspondents, the coverage is quite uneven. That is, some organizations— certain newspapers, certain television stations or radio stations— are sophisticated in terms of recognizing the diversity of the community or, for example, just to take the general subject of the so-called model minority, being able to understand that this community nationwide is extremely diverse and that you're talking about not only families of Asian Americans who've been here four or five generations, as well as somebody who came here from someplace that was barely a modernized situation.

There're some reporters, there're some editors, there're some publishers who recognize this. But it's quite appalling to realize that in the late 1990s that this is not universal. In other words, that certain stereotypes or biased statements or questions from reporters which indicate clear ignorance of the diversity of the community still come out in the late 1990s.

So my short answer to you is that in the years that I've been talking to the media, I've been finding there are a lot of discrepancies. Some reporters understand it and completely get it. Or if they don't, they have editors who are able to double-check them and try to make sure that their coverage is realistic. But it's very uneven. And I believe that the need to get headlines or the need sometimes to not be beat by a competing newspaper or TV or radio station sometimes leads to superficial coverage of Asian Americans, which results in perpetuating the kinds of stereotypes that we've been talking about today.

COMMISSIONER ANDERSON. Would you say that greatly uneven coverage is within the nation's media— or are you talking national or local?

MR. MICHAEL WOO. National and local. I'm referring to coverage which may come out from a national television network or from some local newspaper somewhere where there may not— this is especially a problem in localities where there is not an established Asian American community but where there is some event involving an Asian American individual, where a reporter who may not be familiar with the community or may not be aware in the case of, say, campaign finance violations of the history of Asian Americans in this country may then end

up writing a story that's really out of context. And when you read it, it makes you want to grind your teeth.

And that can happen at the local level with some weekly newspaper in a small town or something just as egregious can sometimes happen on the national level. It really depends a lot on the training and background and experience of the reporter and whether the news organization has some effective means of backup, either in terms of experienced editors or— and this leads to another question, which you might get into in the next panel, which is the presence or absence of Asian Americans in the news room in positions of authority to be able to say something if coverage is biased or uninformed.

COMMISSIONER ANDERSON. Thank you.

CHAIRPERSON BERRY. All right.

MR. WANG. Can I ask one question for your deliberation?

CHAIRPERSON BERRY. Yes, Professor Wang.

MR. WANG. The question that was raised by Commissioner Horner is a very difficult question to deal with. I think in your deliberations you may want to consider why is it that a corporation, whether it be an American corporation or a foreign corporation registered as an American subsidiary, is able to contribute without any restriction.

VICE CHAIRPERSON REYNOSO. Or that we have dual citizenship in some countries?

MR. WANG. And they cannot vote; right? A corporation cannot vote. And yet under our law the corporation can contribute as much as they want. Consider that, please, as you deliberate on that question.

CHAIRPERSON BERRY. And what you said also?

VICE CHAIRPERSON REYNOSO. I said and the issue of dual citizenship.

CHAIRPERSON BERRY. Commissioner George?

COMMISSIONER GEORGE. Yes. I think those are very important issues to get into and I hope if we carry on we could get into them. But I have a different question for Mr. Wang.

Drawing on your expertise as an historian— it occurred to me as I was listening to the testimony thus far that we have something here that is not unique to Asian Pacific American communities in our history. It has been a problem that has been experienced by Irish Americans, by Italian Americans, more recently by Arab Americans. And I believe in some cases— perhaps the Arab American community is not a

good case for this, perhaps better is the case of the Irish, or the Italians— we seem to have moved to a situation where it's far less likely to happen that stereotyping based on ethnic identity as a result of an incident or incidents involving people of that ethnic identity takes place in the mass media. It can still pop out. I recall in the '92 campaign one of the telephone calls recorded between then-candidate Bill Clinton and Jennifer Flowers involved a comment about Mario Cuomo that Clinton made and Cuomo, at least, interpreted as being based on a stereotype of Italian Americans as being thuggish and involved in organized crime and so forth. But that really stood out as something that seemed to be out of the past.

Are there lessons as an historian that you can draw from the experience of earlier groups that have suffered this sort of stereotyping, about how our polity dealt with it, how our culture dealt with it, how those groups themselves combated that? Are there lessons to draw so that we don't have to just start from scratch in the case of Asian Pacific American communities?

MR. WANG. I'm afraid that it's something that I think, as I tried to point out in my written testimony, that throughout American history, I think Asians occupy a very unique position in our history and that while the other groups are able to become assimilated— gain themselves into the mainstream— Asian Americans—

You know, I may be a descendent from the Gold Rush, seven generations ago, I walk down the street, I will be seen as a foreigner, whereas a black person walks down the same street, whether he or she just got off the boat from Africa, will be seen as an American. The citizenship status of that person will never be a question.

And that's the problem that we have in this issue. That as a result of one person's wrongdoing, suddenly the entire race is presumed guilty— and somehow we have not been able to overcome this for Asian Americans. And this is why I think it's very important to take this historical perspective about why this issue is completely blown out of proportion. I think the media and the politicians have touched upon a raw nerve which is very much deeply ingrained in our national consciousness. It's how we see ourselves.

COMMISSIONER GEORGE. Well, sir, certainly my question doesn't suggest that the Asian

American experience and the experience of Asian American communities— and I thought you were right to consistently use the plural there to note the diversity of these communities as really communities— the purpose of my question is not that there's nothing unique about the experience of these communities. But whatever there is that's unique about it— and you put your finger on one important one, clearly— whatever is unique, it also is similar in some ways to the experience of the Italian Americans, of the Arab Americans.

Are there lessons to be drawn? Are there any lessons to be drawn from this?

MR. WANG. I don't think so because of our unique historical experience in America. I mean, when Kramer violated the law, nobody questioned what about investigating the other German Americans or other Germans who were involved.

COMMISSIONER GEORGE. Connie just reminded me— and Commissioner Berry, the Chair, will very well remember the case — the *Meyer and Nebraska* case coming out of the First World War reaction against the Germans, where the teaching of foreign language was prohibited in the state of Nebraska. And it seems pretty clear from the historical evidence, as I understand it, that this was largely an attempt to try to insulate America— or at least the citizens of Nebraska— against German influence. So to some extent, we've been over this ground before with other groups. But I take it that your point really is it's very—

MR. WANG. There's a different dimension to it. Yes.

CHAIRPERSON BERRY. Could I follow up with a question?

COMMISSIONER GEORGE. Yes, please.

CHAIRPERSON BERRY. And then I'll recognize you.

I heard in your answer, your first answer to Commissioner George, you said something about seven generations and the Gold Rush, if I heard you right. Is part of the problem that some groups of Asian Americans have been here just as long as Italian Americans, who mostly started coming in the late 19th and early 20th Century, Irish Americans and the like, and that you still seem not to have been able to become absorbed in that way? Is that really the point?

Is the point that you've been here a long time and just as long? I'm following up, Commissioner

George. Maybe the point is that they would say that they've been here as long as the Irish or the Italians or whatever and that still they're not able to have people see them as individuals. I don't know whether that's the point or not.

MR. WANG. It is. It is my point.

COMMISSIONER GEORGE. Of course, for a very long time — if I can just step back, Madam Chairman?

CHAIRPERSON BERRY. Go right ahead. Let's have a seminar here.

COMMISSIONER GEORGE. For a very long time, this was the experience of Jews, not only in America but also in Europe: being seen precisely as a racial and not merely a religious group and as somehow citizens of a foreign nation, even if it wasn't one attached to a state.

Rabbi Marc Gellman, the distinguished rabbi from Temple Beth Torah on Long Island, tells the story of his grandmother reading through the newspaper every day at breakfast, looking at the police log at who had been arrested or convicted of a crime. And she'd go through and she'd say, *Um, not Jewish. Um, not Jewish. Then— Um.*

(Laughter.)

That's the experience that people from other ethnic groups probably share, not just the Jewish experience. But that is a case where racial identity made it difficult to avoid being stereotyped.

But here, too, I think the American Jewish experience is one where there's been tremendous progress in overcoming those sorts of stereotypes. Is there anything that can be drawn from that experience?

MR. WANG. I'm not sure because, you know, I think the Jewish Americans are very different, I feel, and they are able to integrate and assimilate within the mainstream, at least based on appearance, much easier than Asian Americans. I'm not sure. I really do not see any way, or what we can learn in terms of the success of being accepted into the mainstream as American— or at least accepted as Asian Americans as part of the American identity. That is really very, very difficult for Asian Americans to gain that kind of acceptance.

COMMISSIONER GEORGE. Dr. Ahn seems to want to say something.

DR. AHN. Yes. I'm dying to talk here.

Sir, if you're white, once you become culturally an American, that is, your culture. You went

to high school. You're a cheerleader. You love football. You become an American and nobody knows the difference.

Whereas, for an Asian American, it could be 100 years from now. It could have been 100 years ago and we're still looked upon as foreigners. And if you look at people like Bob Hope, who was foreign born, or Elizabeth Taylor, who was foreign born, Madeline Albright— I mean, I could name you so many persons who are known as great Americans who are not American born and who were not American citizens but by naturalization. And nobody ever asked Scarlett O'Hara whether she was an American.

Vivian Leigh was not a southerner. She was not even an American when she played Scarlett O'Hara in "Gone With the Wind." Nobody ever questioned her loyalties or her role as a southern belle.

Also, looking back historically, if you go back to 1870, over 9 percent of California was actually Asian, and this is 1870. And this was after the Gold Rush, after Chinese had come to America to build the railroads. So by 1870, 9 percent of California was Asian Americans or Asians, but because of the exclusionary laws and because of the discrimination, then that population dwindled down to less than 3 percent by the time of the early 1900s.

So, the discrimination goes back hundreds of years. I mean, and it doesn't matter whether we came a generation ago or five generations or a month ago. We're still lumped and viewed as foreigners.

MR. MICHAEL WOO. May I respond?

CHAIRPERSON BERRY. Yes.

MR. MICHAEL WOO. I would like to respond to Commissioner George's comment.

I think that your question about analogies between the Jewish community and the Asian American community is very interesting because I think there are certain historical analogies, especially in regards to the perception— or what I would describe as the perception of rich Jews and poor Jews turning back the clock perhaps, say, 60 or 70 years or so and today the perception of rich-Asians and poor-Asians.

To try to flesh this out a little bit, let me just tell you something from my own experience.

The first time when I ran for the City Council, it was in an extremely mixed part of L.A. Some neighborhoods were very middle class parts of the city. Other neighborhoods were very

what I would describe as working class or low income, but both very heterogenous.

And I spent hours every day walking door to door in the way that candidates do, knocking on the door, introducing myself, making my 30-second pitch about why I should get their vote and doing that.

I learned as a result of doing this some very interesting things about the way people perceive Asian Americans.

In the more affluent neighborhoods, especially in the neighborhoods known as Silver Lake and Las Villas, where there had been at least one or two generations of Asian Americans living, I found that when I walked door to door people frequently assumed that I was one of those straight A students who graduated from John Marshall High School, whom these voters had positive perceptions of because they saw them as being essentially embodiments of the model minority. You know, *straight A students work hard, never get in trouble.*

It turns out in reality I actually hadn't gone to that high school and wasn't a straight A student. I didn't really fit that stereotype.

VICE CHAIRPERSON REYNOSO. And you didn't tell them.

(Laughter.)

MR. MICHAEL WOO. On the other hand, when I walked door to door in East Hollywood, which is an area infected with high crime, a lot of poor people, a lot of different immigrant groups crowding in, a lot of senior citizens scared out of their minds but who couldn't afford to move out of there, a lot of racial tension in other words, I recall very vividly an experience I had knocking on the door of a white senior citizen. According to my computer printout, a registered Democrat. I was a registered Democrat. I thought I wouldn't have any trouble explaining my views on rent control or other things, or pensions or things she would care about to her.

I started my 30-second pitch about why she should vote for me, and I was surprised to find her interrupting me and complaining to me about why there were all these foreigners moving into her neighborhood taking money out of her pocket. She was an American citizen who had earned all this Social Security money and now the Federal government was talking about giving millions of dollars to these foreigners moving in. And at the same time, the Federal government was talking about cutting back on

Social Security benefits. And that seemed unfair to her.

I furthermore understood that even though I was an American citizen, I was born in Los Angeles, I barely speak enough Chinese to order food in a Chinese restaurant, but to her I started to realize she saw me as an embodiment of not only the Chinese and Koreans who lived on her block, but the Iranians, the Latinos and the others whom she saw as being the embodiment of people who were taking money out of her purse, or who were threatening to take money out of her purse.

And so I tell you this long anecdote just to illustrate that there are at least two sides to this Asian American stereotype. I think there are certain analogies about the way that rich educated Jews and poor uneducated Jews were viewed several decades ago. And the problem is that while there may be some Asian Americans who will be able to successfully make that transition into becoming assimilated— maybe not visually assimilated, but they'll get houses in the suburbs, they'll buy nice cars, their kids will go to Harvard or Berkeley or whatever— or UCLA.

(Laughter.)

But there are more waves of immigration coming and the concern that many Asian Americans have, as reflected by some of the movies that have come out that have a tendency to show Chinese government figures as the villains, we could be on the edge of certain perceptions coming out in the community about who's the real threat to America.

So it's kind of complicated but I do think there are certain analogies here and we don't exactly know how it's going to turn out. But this is part of the reason why this particular set of issues that you're looking at today are of great concern to many people who may never have been donors to the DNC. They may not be politically active, but they're worried about how this is going to play into the larger historical context that we're in the middle of right now.

CHAIRPERSON BERRY. I want to thank this panel. Thank you very much for being with us.

And we'll call the next panel.

(Pause.)

While the next panel is coming forward, I want to say that among the letters we received—the one from the National Republican Senatorial Committee which will be put into the record—

we also have one from the Secret Service and one from the White House, describing their procedures for admitting guests to the White House, in which they say that they do not exclude people on the basis of race and ethnicity. So we'll put those in the record, too.

The Commissioners have these letters. I'm just doing that to save time.

COMMISSIONER HIGGINBOTHAM. Madam Chair.

CHAIRPERSON BERRY. Yes?

COMMISSIONER HIGGINBOTHAM. I am going to, unfortunately, have to leave in a few minutes. I found the testimony very, very exceptional. But I wanted to express my personal appreciation for this briefing.

CHAIRPERSON BERRY. All right. Thank you very much, Judge Higginbotham. Thank you. We understand.

So I'm repeating that the letters that the Commissioners received this morning that will be put in the record are one from the National Republican Senatorial Committee, one from the Secret Service, one from the White House, and also one from the Office of Senate Legal Counsel, explaining procedures for admission of visitors and ethics matters.

Let me welcome this panel. Thank you very much for coming. This is a panel on the media.

The first panelist is Ms. Helen Zia, who is a contributing editor and former executive editor of Ms. Magazine and a columnist for Channel A, an Asian American online magazine, and who has written widely in the print media. We will start with you, Ms. Zia, and we will give everyone five minutes to sum up.

As you noticed if you've been sitting out there, we have a lot of questions, so you get to say other stuff after your initial presentation. So don't worry about not being able to say what you need to say.

Could you please proceed?

MS. ZIA. Sure.

Good afternoon, Chairperson Berry, Commissioners, Commission staff and fellow panelists.

Thank you for this opportunity to offer my— [off mike]— regardless of whoever is the subject of that scrutiny. But it is also true that even the most worthy investigations are subject to questions of accuracy, balance and fairness.

Before I begin my remarks, one of the other panelists did mention a Hoyt Zia and that one of the panelists is his sister. So I would like to say

that it is no coincidence that our names are the same; he is in fact my brother. And since she did make some reference to what he is supposed to have said, I would like only to say that I have his phone number, and for purposes— this is in the public— goes into public testimony — I would urge before anyone assumes what my brother may or may not have said, to contact him directly.

Secondly, I would like also to say, since it was in the context of John Huang and defending John Huang, that I should say for myself that prior to all this coverage of the campaign fundraising issue, I have never known John Huang myself and had never heard of him prior to that, and in fact have never met him.

So I say that because a lot of this discussion has been on the issue of guilt by association, and I want to make very clear that my comments and my review of the journalistic coverage are not colored by whatever my brother may or may not have said or known at any point.

So back to the issue of coverage.

My first point is on the question of accuracy in the media. And I found a consistent problem in the coverage in distinguishing between Asians and Asian Americans just in the terminology that was used. In many stories, *Asian* and *Asian American* are used interchangeably while other reports merely lump the two together. And clearly in a series of stories about the legality of contributions, a distinction— an accurate distinction— between Asian and Asian American is critical. It points to the law.

I note that news reporters do not have a similar problem distinguishing, say, between Irish nationals and Irish Americans or Africans and African Americans or Israelis and Jewish Americans.

Secondly, the interchangeable use of *Asian* and *Asian American* in the media contributed to widespread racial stereotypes and slurs in the coverage itself and created the impression that Asian Americans are all foreigners, aliens and even spies, as other panelists have mentioned.

Examples in the media are: Broadcasters like CNBC's Chris Matthews referred to, quote, "all those strange characters from Asia." Newsweek cited, quote, "mysterious Asian Americans." A New York Times editorial referred to, quote, "huge amounts of mysterious money and the rich variety of well-connected players." All of

these adjectives have a lot of connotations attached to them.

The examples set in the news also. I found, extended into the popular media through cartoons, talk shows and so forth, so that on Jay Leno's introduction to the "Tonight Show" one evening, he said, "Isn't it too bad Al Gore had to take money from Hop Sing." Now, for those of you who may remember, Hop Sing was the houseboy in "Bonanza." And Hop Sing, to Asian Americans, is what Steppin Fetchit is to African Americans.

Thirdly, on the issue of balance, many news reports exaggerate the extent of money and influence from Asian American sources, when in fact, as others have noted, Asian Americans contributed \$3.2 million out of \$244 million in soft money raised from both parties. From the news, with my assessment being perhaps 90 percent of the coverage focused on Asian Americans, one might conclude that the corruption in the campaign finance system is caused by Asian Americans.

Fourthly, there were several examples where politically active Asian Americans, including Washington State Governor Gary Locke, were singled out for journalistic investigation simply because they were Asian American.

Mr. Sandler earlier had noted that reporters routinely came to the DNC asking and combing for Asian American names. Another example is that, in the San Francisco Chronicle, a very lengthy minutely detailed article was done reporting on the political activities of a Chinese American man where, within the story itself, had in fact been found no wrongdoing. There was nothing said that anything this individual had done was wrong. But here in a two-page article was an account of everything this man had done, as though something was corrupt about his practices.

Fifthly, it is also racially suspect on how Asian Americans were introduced into campaign finance stories when Asian Americans were actually not relevant to the story itself. To give an example of that, Newsweek ran an extensive list of the notables who paid millions of dollars to sleep in the Lincoln Bedroom. They gave the list of those people's names. They showed pictures of those people's faces. There was not a single Asian American face or name on that list. However, the story itself highlighted Asian Americans, as *mysterious Asian Americans*.

Sixthly, a lack of balance and racial selectivity was also evident in the stories that were not run, the stories that were not covered. So this was an issue of selectivity by omission. Individuals have mentioned the Firemans and the Kramers. And even though these stories were covered to a degree, they certainly didn't get the kind of attention, the 90 percent of the attention, that Asian Americans did.

As to why, a Philadelphia Enquirer reporter, Josh Goldstein, said in a public forum when questioned about this, he had written a story about Kramer and the fact that he was a German national, a non-citizen who was fined. He said he wrote a story about the Kramer fine; it never ran. His editors killed the story, and when he asked why was that, they said because it was just not of interest to the readers.

Now, on the point of fairness in the media, I believe this was compromised when reporters failed to question or challenge racial slurs and innuendo by public officials. Several of those kind of comments have been previously cited, so I won't repeat them. But I will say that there have been many precedents and examples of the media responding many times to racial remarks that have been made by public figures that were deemed out of line. However, this awareness does not seem to fly when it comes to Asian Americans in this particular 15-month saga.

Finally, the most disturbing thing I found on the point of fairness was the lack of voice given to the Asian American viewpoint by the very institutions entrusted to protect free speech. Indeed, a repeated chorus of influential editorials was run that effectively silenced Asian American criticisms about media coverage. For example, the Boston Globe called complaints of racial stereotyping a shabby maneuver to avoid scrutiny. And the Washington Post declared the idea of Asian bashing had been floated in Huang's defense. In other words, if you criticize the media coverage, you therefore must be defending the wrongdoers.

Conclusion:

During World War II newspapers were instrumental in stirring Yellow Peril race hysteria that led to the internment of 110,000 Japanese American civilians. And to Commissioner Horner's question earlier, two-thirds of those persons imprisoned were American citizens. The fine line wasn't there. But had it been, in any case the practical implication is that two-thirds,

because of this question of loyalty, were imprisoned in that internment.

In the 1950's and 1960's, J. Edgar Hoover declared Chinese Americans to be China's fifth column of domestic spies.

In the last decade, much of the trade war with Japan was fought in the media. Meanwhile, hate crimes against Asian Americans have dramatically increased.

The Commission can help keep this current media episode, I believe, from having a similar devastating effect.

I, in my research, found only two occasions in the last 15 months of media coverage where Asian Americans were able to tell their own story in the national news. First, that was with the highly offensive magazine cover that appeared on the National Review last March; it took an illustration this egregious, containing so many stereotypes in it, for Asian Americans to actually get some coverage in the media. And the second time is now with this filing of the petition before the U.S. Commission on Civil Rights.

Abraham Lincoln said, "Let the people know the facts and the country will be safe." That is our mission as journalists. Earlier panelists have spoken to the point that our role is to get the facts out. I believe that is true. But we are more than just conduits of getting facts and shoveling them out. We perform a role of interpreting the news, of filtering the news, of gatekeeping the news.

And so, by keeping our coverage free from racial bias and stereotypes that disenfranchise particular groups of Americans, the U.S. Commission on Civil Rights is safeguarding freedom of the press for all Americans.

Thank you.

CHAIRPERSON BERRY. Thank you very much, Ms. Zia.

Our next presenter is Associate Professor Virginia Mansfield-Richardson, who teaches at Pennsylvania State University. She's also a member of the Public Policy Research Project on the Fairness Doctrine in the 1996 Elections.

Thank you very much for being with us and please proceed.

DR. MANSFIELD-RICHARDSON. Thank you for inviting me.

I want to stress that I'm here as a scholar *and* as a former working journalist. I was a reporter and an editorial aide at The Washington Post for 11 years. I think as a scholar one of the

main reasons I'm here is that my dissertation, which was an 800-page dissertation, which came out last year, represents the only content analysis ever done of the news media that looks at coverage, overall coverage, and how much coverage was given to Asian Americans as an entire group. And it breaks it down by various segments of that population.

That dissertation looked at coverage from 1994 to 1995 in 20 leading newspapers in the United States, and I'll reference it in a minute.

One of the things that came out in my research which I think has to be addressed today is the very way we define Asian Americans. There is no one group that agrees on how they are defined. And I would be curious if we're allowed to ask questions how the U.S. Commission on Civil Rights defines Asian Americans. Because in fact, the U.S. Government, through various agencies, defines Asian Americans differently.

The Asian American Journalists Association would actually include Christa McAuliffe as an Asian American. And that is because she is of Middle Eastern— was of Middle Eastern descent. Also, Helen Thomas. One of the most active groups of the Asian American Journalists Association is the Detroit chapter, which has written publications on how to cover Middle Eastern Americans.

The Asian American Information Directory has 19 categories of who Asian Americans are. Asian Americans do not all look alike. They do not all have black hair or straight black hair. And, in fact, to categorize them the way the news media have been lumping them together is not only incorrect, but does lead to a lot of the stereotyping that we've discussed.

The U.S. Census has 50 categories of Asian Americans, which is a huge difference from other organizations. The categories literally span two-thirds of the globe. One of the problems with the entire category of Asian Americans, while I very much support pan-ethnicity and as a historian of Asian Americans I understand why this is a marvelous thing to have occurred, is that I agree with Dr. Wang that it's not proper to compare the history of Asian Americans with any other ethnic minority in this country because Asian Americans are absolutely unique from the rest of them.

I would like to state to you that from my research and looking at the petition and in looking

at the coverage of Asian Americans, particularly in the press, in the written media. I agree very much with what this petition says in its criticism of the media. I think the petition is very fair. And I think that we have to look contextually, go a little bit deeper in context as to what else is going on here.

Beyond the problem of definition, I think we have to realize that according to my research, up until this event took place, we really didn't have much coverage of Asian Americans that existed in the news media. My year's worth of looking at what was covered in the 20 newspapers across the country, including when Mr. Woo was editor of the St. Louis Post-Dispatch, came up with a total of 635 articles; 215 of those were from the Seattle Times, which is much higher than any other newspaper.

As you know, the Seattle Times has won numerous awards for fair coverage across minority groups.

After that, the amount of coverage of Asian Americans drops significantly. The Los Angeles Times, which as you know covers a city with a very large Asian American population, had a total of 73 articles on Asian Americans in one year. The Washington Post had a total of 20 articles.

COMMISSIONER HORNER. Excuse me. Asian Americans as an ethnic group in a political context or individual prominent Asian Americans?

DR. MANSFIELD-RICHARDSON. It is any article that relates to issues affecting Asian Americans or on an Asian American. It's a very broad content analysis. I had 193 ways of searching it and 123 names. So it was extremely comprehensive.

COMMISSIONER HORNER. Okay. Thank you.

DR. MANSFIELD-RICHARDSON. Twenty articles on Asian Americans from a newspaper covering politics in the nation's capital is insulting. I would argue that there's probably three times as many articles on Mickey Mouse that were produced that year. And I say that with no disparagement of Asian Americans.

There are entire newspapers that never had a single story on Asian Americans that year. This was the year that had the first all-Asian cast on television in the program "All American Girl." It was also the year of several other events that took place with Asian Americans.

The Wall Street Journal and the Christian Science Monitor— the Wall Street Journal had a total of eight articles. The Christian Science

Monitor had a total of six. So, to give context to this whole controversy of John Huang and the amount of coverage, negative coverage coming out of that, is that prior to this Asian Americans were pretty much a nonexistent minority to a lot of news media.

The other thing that my dissertation showed is when you look at the type of article written on Asian Americans, the majority of the articles were entertainment articles. So once you cut out the annual coverage of Chinese New Year, the restaurant reviews and what's going on with the Tet Festival, you really drop down.

And another aspect of that is that there was one article in 20 newspapers— which included the New York Times, the Boston Globe, the Chicago Tribune, the Houston Chronicle— across the United States there was one article on Asian Americans and science. And this is not a stereotype. I don't think I need to tell you that at any given university, including Penn State, you have numerous Asian Americans connected with science and you have numerous Asian Americans coming out with scientific research in this country.

So I think that that tells you a little bit where the news media were prior to this event.

The other thing that I think you need to look at is what the themes were of the articles and the ethnic minorities within Asian Americans who are covered. I think what we are talking about here today doesn't deal with a lot of Asian Americans. And a lot of the stereotyping that has occurred in the media through the whole fundraising debacles is really probably talking about certain groups of Asian Americans.

I was reading. I believe it was a New York Times article, and I may not be correct on that, but I saw this in other articles, too— the referring to Asian Americans are a close knit group. Well, a lot of East Indian Americans would be very surprised to hear that. And a lot of third, fourth, fifth generation Asian Americans, whether they're Thai Americans, Vietnamese Americans, will tell you that there are large segments of this population who are, quote, "not close knit."

One of the things that came out that I keep hearing about is that there's overcoverage of *model minorities*. In fact, my research didn't show that. I coded articles to look at if they discussed *model minorities*. But there is a lot of

coverage— most of the crime stories deal with racism with Asian Americans.

If you take out all the articles on Yo-Yo Ma, the cellist, you take out 3 percent of the total coverage of Asian Americans that year. So it's pretty important.

The other half of my dissertation surveyed 520 Asian American journalists across radio, television and print media, and I received a 19.5 percent response rate on that. And the responses were shocking. Seventy-one percent of them said they felt that they had been subject to racism within their news institutions. There was strong evidence of ghettoizing Asian American journalists. I do know the number of Asian American people in print media, and it's less than 3 percent.

But interestingly enough, if you look at the bylines of the coverage of this particular issue, you see very few Asians, quote/unquote "Asian names," which would include Hispanic names if you're Filipino-American, which would include names like mine if you happen to have been adopted as a Vietnamese or adopted from Asia or if you married a man— if you're a woman, you married a man with a, quote, "American-sounding" name.

I'm worried that I'm starting to go over my time, but I would just like to sum it up by saying I think that the context of this controversy goes much deeper than what we see in just the petition. I think in the media Asian American males are treated as a nonentity. Asian Americans are often treated as nonentities. And the stereotyping that we have seen in this particular coverage is evident through all of my research, except for the model minority.

CHAIRPERSON BERRY. Thank you, Professor Mansfield-Richardson.

You asked what's the Commission's definition. In the "Civil Rights Issues Facing Asian Americans" report, we used the U.S. Bureau of the Census definition. And on page 15, the report lists all of the Asian groups— Chinese, Filipino, Japanese Asian, Indian, Korean, Vietnamese, Laotian, Thai, Cambodian, Mong, Pakistani, Indonesia, and all the Pacific Islanders. But that's the Bureau of the Census definition.

DR. MANSFIELD-RICHARDSON. Okay.

CHAIRPERSON BERRY. However accurate or inaccurate that might be.

Thank you.

The next presenter will be Mr. William Woo. Mr. Woo served as editor of the St. Louis Post-Dispatch for 10 years. He's been chair of the Ethics Committee for the American Society of Newspaper Editors. Several works by him have been selected as finalists for the Pulitzer Prize.

He's currently a visiting Professor in the Department of Communication at Stanford University and a teaching fellow at the Graduate School of Journalism at the University of California, Berkeley.

Thank you very much.

MR. WILLIAM WOO. Thank you very much.

I was born in Shanghai to a Chinese father and an American mother from whom my citizenship derives. I spent 40 years in newspaper journalism, 34 of them at the St. Louis Post-Dispatch.

I'd like to begin on a personal note. My mother and father met at the Journalism School of the University of Missouri, but they had to be married in Alton, Illinois because miscegenation laws in Missouri prohibited whites from marrying people of color.

I mention this because I suspect that racism, some of it legally mandated, in some fashion has touched the lives of almost every Asian American.

When my parents were married, the St. Louis Post-Dispatch, of all papers, printed an article about it, so unheard of was it then for a Chinese and an American to wed. A point of this article was that my father could speak English. It apparently astounded the journalist that a Chinese studying at an American university could speak the language.

When I moved from Kansas City to St. Louis in the 1960's, the St. Louis Globe Democrat had occasion to publish a story about me. It wrote that I had immigrated from China in 1946. Now, American citizens do not immigrate to the United States. But to journalists, people with Asian names were not Americans. They're assumed to be immigrants.

We're here to talk about the media's coverage of people of Asian descent, and I've begun with a couple of examples from newspapers from years past to raise the question of whether things have changed for the better. My short answer is yes—but.

Since the 1930s, even the '60s though, the stakes have increased exponentially for the United States. There are millions more Ameri-

cans of Asian birth or heritage today. And while it is despicable to treat a few people with ignorance or insensitivity or contempt, it is even worse to treat a lot of people that way.

Let me mention some of the improvements.

For most of my life in the newsroom I was the only Asian American. Today Asian Americans are no longer a novelty at many papers. The latest minority survey by the American Society of Newspaper Editors reports that there are 1,141 Asian Americans working as professionals at the country's papers. It's not a large number. It's a lot more than we had a few years ago. It works out to 2.1 percent of the 54,000 professionals at work in America's newsrooms.

Secondly, there's been institutional improvement. The important work of the Asian American Journalists Association, the American Society of Newspaper Editors, the Maynard Institute, Unity Organization and others has all had a useful effect of helping to break through stereotyping—not nearly enough, obviously—and to promote the mainlining of Asian Americans and other minorities in the news.

Finally, many newspapers have diversity training to educate their staffs about working and covering news in a multi-cultural environment. It needs to be recognized, however, in more than 40 percent of the newsrooms in America, there is not one single minority professional. No Asian Americans, nor for that matter, African Americans, Hispanics or Native Americans.

In the example cited in the petition before you, we've seen instances of crude stereotyping of Asian Americans. We've seen insensitive and damaging coverage. We see ignorance. You know the specific examples. We'll probably be talking about them later.

How do these things get into the paper? Are they deliberate slurs or exaggerations? Are they accidents? What do they tell us about the media?

First of all, let me say that they are not accidents. Things do not just appear in newspapers. Editors allow them into the news columns and editors are supposed to bring critical judgment—and taste—to their jobs. There's no moratorium on ethical or responsible journalism.

To lump together or to confuse *Asians*, from Asia, and *Asian Americans*, from Asian birth or descent, may be the result of clumsiness or ignorance, but the effect is to declare that they're all alike, interchangeable, that they're members of a

subcategory of the human race or our society for which the canons of journalism— accuracy, fairness, decency and the rest— need not apply.

To use the words such as *mysterious* and *inscrutable* when applied to these Americans is no different than to caricature and exaggerate and hence ridicule physical features. These are no accidents either. And often the perpetrators seem genuinely bewildered or offended if you call them to task.

At my old paper when I criticized headline writers or columnists for mocking the lambdacisms that are present in the way some Asians speak English, inevitably I was told that no offense was intended. *It was only in fun. Can't you people take a joke?*

As for the fixation with Asians in the campaign financing investigations or the emphasis placed on their money as distinct from the political spending of other foreign or domestic contributors, I suspect the deplorable practice at work is group think or the irresistible force of an untested orthodoxy or what some people call the master narrative.

Once journalists get it through their heads that these sets of circumstances wholly define a story, that the circumstances have been anointed by the national media, it can be very difficult to get them to see the fact or situation in any other way. It can be very difficult to get them to think.

Under any condition, these practices would be distressing. But we're at a moment I think when there are a number of historical trends intersecting among Americans of Asian descent or birth. The media coverage merely exacerbates the inherent tensions at this moment.

I have in mind here the intersection of the following themes or conditions: the long-standing discrimination and prejudice against Americans of Asian descent or birth; the burdens imposed by the new stereotype of the model minority and their relevance to anti-affirmative action backlash; the tensions at the lower end of the economic ladder between Asian Americans and other minorities; the problems of group identity and recognition that have arisen as a result of the entrance into American society of a multitude of Asian and Pacific Islander people, all of whom can be classified as Asian Americans, many of whom are different from and unfamiliar to one another.

These are some of the issues in the background against which the problems of the media

and Americans of Asian descent or birth are being played out in the campaign financing coverage.

I'll end here, but I'll be very happy to answer to the best of my ability any questions from the Commission.

And I thank you, Madam Chair, and Commissioners, for inviting me here today. It's been a privilege and an honor to be among these very distinguished presenters, some of whom are my friends.

CHAIRPERSON BERRY. Thank you.

Was it Walt Whitman who said, "I perceive that to be with those I like is enough"? So I guess to be with friends is enough.

Professor Joann Lee is next. She's Associate Professor and Director of Journalism at Queens College. She has published a book entitled "Asian Americans." She has also been in television news reporting, with various stations and CNN, so she knows that field very well.

We welcome you and look forward to your presentation.

DR. LEE. Thank you.

First, I'd like to thank the members of the Commission for inviting me today. This briefing is especially important because there is no national platform in this country right now from which to raise many of the concerns expressed here this morning.

I, like many Asian Pacific Americans, have watched with growing unease and anger as the coverage of Asian Pacific Americans and DNC campaign financing unfolded over the last year. And from the start, race was always part of the backdrop, with little distinction made between Asian Pacific Americans who are citizens and Asian nationals who are not.

In looking over hundreds of newspaper articles on this, I found a very basic pattern. And that is the overwhelming repetition of the same story. For the mainstream media there was but one story angle worthy of their attention, and that angle was the so-called Asian connection into the White House.

Day after day the story the media focused on was the one about a possible Asian conspiracy involving just three names. Looking at stories written over the course of a year, it is clear to me that little has changed in terms of the way mainstream media have approached and presented the story.

Even when leads reflected new information, the stories were but variations of the same theme. Asian names; foreign money; getting caught; trying to navigate the system through political contributions.

The issue is a very serious one certainly and I'm not for a second diminishing the magnitude of it. But the constant replay of the same tune day after day in the media to the exclusion of other angles discharges a trail of attitudes suggestive of the Yellow Peril mentality. When we total up the cast of characters mentioned in connection with the so-called Asian connection, there are but three key names; Johnny Chung, Charlie Trie and John Huang. Yet the overall impact of media coverage is to taint with a very broad stroke the legal and legitimate participation of Asian Pacific Americans in the American political process.

For instance, in March of this year a North Carolina newspaper opinion piece began with these words: "It smells like scandal. President Clinton renting out the Lincoln bedroom, Vice President Gore hustling big bucks by phone, Asian American money men swarming through the White House like crap shooters in a casino."

What's most telling here is the writer's usage of such loaded words as Asian American money men swarming through the White House. Implicit for me in his words is the sense that Asian Americans are a sleazy bunch who shouldn't even be in or have any access to the White House.

I've studied the way Asian Americans have been portrayed in the media for years, and after looking at thousands of articles, what is clear to me is how little media have changed. That in times of national concern the media predictably end up portraying Asian Americans as the other. It's a practice, perhaps unconscious, that goes back to World War II, with Japanese internment, and the reporting of Asian images through the Korean and the Vietnamese Wars.

When Asian Americans are written about in recent years, the stories are more often ones triggered by issues of majority social interest, such as immigration, education, crime and race. These tend to be stories about Asian Americans and how they affect the larger society. They're not stories about Asian Americans. Clearly the coverage of Asian Americans and campaign financing is a glaring example of this. Which brings me to ask how can we change the way

Asian Americans are portrayed in mainstream media.

I think two things need to happen. One is that news media need to look far more closely at their product. News is event driven. But in the long-term when the forces driving a story are from the same sector or voices, namely, government investigators and politicians, well, how truly balanced can a story be? All we've heard from is one corner, and that corner has its own particular needs and agenda.

The media in this case can't see the forest for the trees. The real story is the murky system of campaign financing, and news organizations should devote more investigative resources in uncovering that angle of the story. Instead, they continue to latch on to the Asian American angle because it's the obvious easy story to cover. And coverage is the operative word here.

News media respond to things that happen. So when Congress holds hearings focusing on Asian American campaign financing, the media logically will cover it. But is acting as a transmission belt of information enough? I say no.

Access to the White House didn't begin or end with Asian Americans who donated money. So in focusing so singularly on this angle the press has bought into and served up to the American people a red herring. Tougher questions need to be asked and the focus of the story has to shift so that it better documents fundraising practices and White House access across the board and not just the activities of three Asian Americans who turned over questionable donations.

And in not rigorously pursuing a more comprehensive story on this front, journalism has yet to fulfill its responsibility to the public and has done a great disservice to Asian Pacific Americans in general.

The second thing that needs to happen—and it's starting to happen, as evidenced by this hearing—is that Asian Pacific Americans need to develop a louder voice in all aspects of American cultural and social life. More groups need to speak out. More people need to come forward and make clear that when we witness racism, however it masquerades, we will confront and challenge it.

Thank you.

CHAIRPERSON BERRY. Thank you very much.

Does any Commissioner have questions for members of the panel?

Commissioner Anderson.

COMMISSIONER ANDERSON. Thank you.

With the first panel we talked about Mr. Fireman and the coverage he received, particularly in the Washington Post. I remember reading the article in the Washington Post the day it appeared. I don't recall what page it was on. Maybe page A-4 or A-6, something like that. And, frankly, I was surprised it wasn't on page 1, given at least my opinion that the Washington Post editorially had not been a big supporter of Bob Dole's presidential campaign. So the fact that maybe his most important fundraiser is suddenly convicted of major campaign finance violations would have been more of a story from that political angle. But it was on page 4, 5 or 6.

Now, the suggestion earlier in the day was this is a result of some type of stereotyping or scapegoating of the issue in terms of media coverage. I'd like your opinion on that, particularly Mr. Woo, and to what extent you think story angle enters into this, and how hard and fast a story angle becomes in an issue like this.

MR. WILLIAM WOO. I think that's a good question. And my colleague, Professor Lee, mentioned that this campaign financing became the only story, and the Asian aspect of it. Which goes back to what I was talking about as the master narrative that the press buys into.

The ability of certain media to establish the master narrative is something I think we need to confront here. You mentioned the Fireman story appearing somewhere in the Washington Post. I chaired the national reporting Pulitzer jury last year. A couple of surprises. The Kansas City Star had a long series of articles on Mr. Fireman and how he had— his activities at his company, Aqua something or other— I can't recall the name. It was an excellently done series. We gave it a lot of attention. It did not wind up winning the prize. But this is not an agenda-setting newspaper. It sank without a trace. All of us thought, *Jesus, this is a great story; why didn't we get it?*

So I think that we need to sort of note the power of a handful of media organs essentially pretty much to establish most of the time, not all of the time, the dimensions and character of the master narrative.

COMMISSIONER ANDERSON. Could I ask you how does one affect that? You've been an editor of a paper. You've obviously had to review that as a working journalist.

MR. WILLIAM WOO. This is a very tough issue. All over America newspapers are retrenching in

national coverage. The assumption many, many places is that people want to read about real people. And so you find a tremendous emphasis on local news, which is very important. But I used to tell my editors that a dozen people sitting around a legislative markup chamber or a regulatory agency would do more to affect the lives of people than any number of feel-good stories about old folks exercising in Spandex.

So, the problem is we're retreating from national news, which then by default leaves certain stories in the hands of a few papers. I don't think that there's a kind of intellectual Sherman anti-trust violation; that they get together and set the agenda. But I think that's what happened.

I think that one way, one antidote for it, would be for more papers to take national news seriously, to invest their own resources in it, to put their own people out there and cover it, to look at stuff critically. But all of this takes a kind of change in a bad direction in the news that's independent of the subject of this inquiry.

CHAIRPERSON BERRY. Ms. Zia?

MS. ZIA. I just wanted to add to the point about placement and where we are and what gets selected to be in the news or where it is.

Bill Woo spoke about trends we're in right now. But I think we have to recognize that the conglomeration that's going on in business overall is certainly affecting news. And so many of our newspapers and broadcast outlets are basically run not by— not news driven so much, but also by business.

And so the issue of what sells and the point, the example I gave, of *what is interesting to our readers*, that determination often has now become a matter of what sells. And by what sells, also what is sensationalistic.

We talk about what is news. *Asians in the White House*. What is that worth? Fifteen months of 90 percent of newspaper spread? Perhaps not. But to somebody's determination, that was sensationalistic. That would sell. That appealed to some particular interest that would draw in more readers. Somebody made that determination.

And the question of what we can do about it— of course, there isn't so much that we can do to change the patterns in the media. That would be very simple. But I think we do need to be very aware that this is something that is happening on an increasing basis.

DR. MANSFIELD-RICHARDSON. I just wanted to say one last thing.

CHAIRPERSON BERRY. Yes?

DR. MANSFIELD-RICHARDSON. Having practically lived at the Washington Post newsroom for 11 years and having sat next to Janet Cook through that whole Pulitzer debacle, I think a lot of the problems beyond the agenda-setting is the atmosphere within a given newsroom. And I was there under Ben Bradlee when he was really going after the, quote, "holy shit story." Excuse my language here. But Bradlee said it across the newsroom and it's fairly well known. And also under Len Downie.

And at the Washington Post, which I respect very much, nothing excites that newspaper much more than a political scandal and good investigative piece. And I think sometimes they have become guilty— and I will include myself in this even though I was working on Metro stories— of getting carried away with a story because it's a good story. You know, not stepping back enough to take the time to really look at the deep context.

By the way, I did a search of news stories. And the interesting thing is when the U.S. Commission on Civil Rights puts out any story on Asian Americans, it's picked up across the country by many, many newspapers. That's why this is so important.

There is no national platform but this. And if you talk about agenda-setting and how you change that, what you're doing here is very significant because you're amplifying the concerns that are raised here, which would not be picked up if I called up the Washington Post or if she called up the Washington Post and said, *Hey, you know, there are Asians upset about this.* But when it comes to this level, it ups the buck. It raises the bar and it changes the agenda.

And even if Asian American journalists within a newsroom go to the editors and say *we're covering this wrong*, as we have seen example after example, including the African Americans at the Washington Post who, six months before they nominated the Jimmy story for the Pulitzer, went to the top editors and said *there's something really wrong with this story* — I hate to bring that all up but through my surveys of Asian American journalists, I know their voices aren't being heard. They're not in high levels of supervision. I've got the numbers. I'm sure you're all aware that Mr. Woo was the only

Asian American to be an editor-in-chief of a major newspaper in this country.

COMMISSIONER ANDERSON. If I could ask another question?

CHAIRPERSON BERRY. Yes, Commissioner.

COMMISSIONER ANDERSON. Could I ask the panelists have you looked at this report by us? Do you have it?

DR. MANSFIELD-RICHARDSON. I've skimmed over it. I've got a copy of it.

DR. LEE. I don't have a copy.

COMMISSIONER ANDERSON. Do you have a reaction to it?

MR. WILLIAM WOO. No. I just picked a copy up today. I have not read it.

COMMISSIONER ANDERSON. I'd be interested. I think it's one of the best things we've done. And I wonder whether you wouldn't mind letting us know whether sending a copy of this report to the editorial offices of many of the major newspapers might be a positive way of suggesting a reexamination? Maybe with a cover letter about some of these points?

MR. WILLIAM WOO. I think it would be very important how that cover letter was written, but I think it would be a good thing.

CHAIRPERSON BERRY. How about the broadcast media? We don't want to let them off the hook. We've only talked about print media here.

Does everything you've said apply to broadcast media or are we just talking about the print— are we only concerned about print media here?

After all, most Americans get their news from broadcast media, if I understand the surveys and polls correctly. So does most of what you've all said apply to broadcast? Although I also understand— and maybe some of you can inform me better if I don't— that the broadcast media usually get their leads from the print media. That they all sit around and read the New York Times and Washington Post and whatever— Wall Street Journal— and try to figure out what to put on television.

Maybe you would like to address that?

MS. ZIA. I would say that actually my points that I raised apply to broadcast media as well. I had a few examples there, but I do agree that they often get their leads from print media. And the whole issue of master narratives, if you want to call it that, or pack journalism, if you will, does happen and broadcast is definitely part of that, and, in fact, perhaps even more so because

we're talking about covering the world in 30 minutes. And then if you take the commercials out, we're really talking about 18. So the selectivity of what goes on in there and whether it's catchy or will keep you from turning your channel and be sensationalistic—the stakes are even higher in broadcast.

CHAIRPERSON BERRY. Commissioner Lee and then Commissioner Horner.

COMMISSIONER LEE. I just want to go a little bit deeper into something that Ms. Zia had said about the media having a responsibility of getting the facts, presenting accurate information to the reader. But at the same time, we understand newspapers, and television stations, are business enterprises. They're there to make money. But at the same time, they are trying to determine what is interesting to catch the readers and the audience.

The question I have to the panelists is: Is it dangerous for the media to, in sort of reacting to the supposed interests of the reader, be in a position they are dictating what the reader should be interested in?

For instance, the L.A. Times are saying they have to report this because the readers want to read it. And I have so many friends in L.A. who say, *we don't read that thing anymore*, and they're not even Asian Americans.

So which way is it? Are they trying to determine what the reader should be interested in by portraying these stories this way, or are they trying to present these stories because they truly feel the American public is interested in these stories? Which way is it?

DR. LEE. I think it's both. And I think the difficulty—and you raise an excellent question because you can bring in the editors of the Washington Post and the New York Times and have us sit around and nobody would have a consensus for that. Because news is a market driven commodity today, more so than every before. The sense is you've got to be able to sell your papers and keep your ratings high. That is number one: economic survival. And inherent in putting that message together is the sense of— *Well, what does the audience want to read and what can we interest them in?*

Having said that, the people who make news are by and large middle-class white college-educated people. And so they have a certain construction of what is important based upon their sense of their news values. And that doesn't al-

ways mesh with the real readers outside: That's why newspapers around the country have lost a lot of circulation and they're not building that circulation— because they haven't been able to. And the erosion and changes in media have made for a whole new ballgame for print and broadcast.

To answer your question, there is no answer to that. I think publishers would like to say we are giving the public what they want and we think we know what they want.

CHAIRPERSON BERRY. Commissioner Horner?

DR. MANSFIELD-RICHARDSON. I just want to add one last thing on that.

CHAIRPERSON BERRY. Okay.

DR. MANSFIELD-RICHARDSON. I think that—I agree with everything that she just said. And one of the points that I was hoping to make is that one of the real stories within this story that we're talking about today was the fact that you had the largest amount of money raised by Asian Americans. And that's a positive story. That's a very positive news story. And it says a lot about the pan-ethnicity movement in this country, the Asian American pan-ethnicity movement.

I doubt that that story really got much coverage and I don't know how much coverage it really would have ever gotten had the whole scandal not grown out of it.

COMMISSIONER LEE. Then how do we educate the publishers and the editors to what the true American public really wants to read?

CHAIRPERSON BERRY. How do we what the true American public—

(Crosstalk.)

MS. ZIA. What happens in the newsroom is we sit around and say, *Well, I think people are interested in this because I'm interested in it*. And then we come up with all the things that we're interested in and go after them.

COMMISSIONER GEORGE. I really think there is something to that. If I could interrupt, Mary, just to say that I was sitting around with a group of professors like myself— Reynoso and so forth. And one fellow said to the other, *You know, until the evening when the votes were coming in in 1972, I just assumed George McGovern was going to defeat Richard Nixon*. And the other people said, *How on earth could you have thought that?* He said, *Well, I didn't know anybody who was voting for him*.

Everybody I know votes Republican.

(Laughter.)

CHAIRPERSON BERRY. So it all depends.

Commissioner Lee, are you finished?

COMMISSIONER LEE. Yes.

CHAIRPERSON BERRY. Are you still responding to that?

MS. ZIA. Yes. Just so we do not give that question short shrift.

One of the movements that's under way among journalists is to increase the diversity within the newsroom because it is very true that who we are in the newsroom dictates what actually gets on the page. So other panelists have given statistics on, for example, Asian American representation. And I can assure you that the figures are quite similar for other minority journalists. And so this is a reflection of why certain things get covered and why certain things don't.

MR. WILLIAM WOO. Overall, minority journalists comprise about 11-point-something percent of the 54,000.

CHAIRPERSON BERRY. Commissioner Horner?

DR. MANSFIELD-RICHARDSON. 11.2.

MS. ZIA. And the trend is down, isn't it?

DR. MANSFIELD-RICHARDSON. It actually went up but only by 1 percent between '94 and '95. I think for Asian Americans. I may be quoting that wrong.

You have a lot of Asian Americans who are leaving the newspapers, I know, and who are also leaving the news business, from the ones that I surveyed in surveys of the Asian American Journalists Association because they really are running up against a glass ceiling.

And I think you have to realize that the panel before you doesn't represent in many respects at all what the gatekeepers, the senior editors of most news organizations in this country, look like. You have an Asian American male and you have two Asian American women and you have a white female. And that is not at all reflective of the people who are making the decisions.

CHAIRPERSON BERRY. Was your question a follow-up to that before I recognize Commissioner Horner?

COMMISSIONER HORNER. That's okay. Go ahead.

COMMISSIONER GEORGE. Yes. Just on that. When we say quite casually that minority representation is a certain percentage— 11 percent, whatever it is— how do we define what counts as a minority? Are Jews a minority or not a minority? Are Arab Americans a minority?

MR. WILLIAM WOO. I can tell you about that survey and how those statistics are generated, if you'd like to know.

COMMISSIONER GEORGE. Yes. Please.

MR. WILLIAM WOO. For many years now the American Society of Newspaper Editors responding to a decision it made many years ago to try to increase by the year 2000 what we defined as minority participation in newsrooms to equal the percentage of minorities in the overall population— we said at that time it was 20 by 2000. The numbers clearly have been changed. So we have been inching up and those figures are derived from surveys that we send out to newsrooms each year.

And if you are an editor, you are able to get a survey asking you if you would respond to list the number of minorities, and then I think they are just simply put into four categories: Asian, African-American, Hispanics and Native Americans.

COMMISSIONER GEORGE. And who decided that?

MR. WILLIAM WOO. Well, the American Society of Newspaper Editors, when it first began sending out the survey, used those four categories. So the organization— and I don't know who in the organization said *we'll use those four categories*, but those are the categories that are the work of what used to be the Minority Committee, which is now the Diversity Committee.

And so those surveys have been going on each year. And from them we derive a picture of the number of ethnic minorities, professionals, in newsrooms.

DR. MANSFIELD-RICHARDSON. It's probably reflective of the U.S. Census, because you're not asked if you're Jewish American on the U.S. Census. I don't believe there's a category— you're asked if you're Caucasian. And so I think it reflects really race and ethnicity.

COMMISSIONER GEORGE. So you think it's the decision that's made at the level of the Census that's really controlling and driving what then in situations like this is defined?

MR. WILLIAM WOO. I just can't answer that.

DR. MANSFIELD-RICHARDSON. I don't know if that is true, but—

COMMISSIONER GEORGE. Does it trouble you at all?

MR. WILLIAM WOO. Does it trouble me at all that—

COMMISSIONER GEORGE. That that's the decision as to what counts as a minority and what doesn't count as a minority?

MR. WILLIAM WOO. Well, you know, that issue opens up another avenue under discussion when the Minority Committee became the Diversity Committee. Because when you're talking about diversity, we're talking about age, we're talking about physical condition, we're talking about all sorts of other things that were not subsumed under minorities.

The feeling was that newsrooms— and we took to heart or at least we responded to the report following the riots in the '70s.

CHAIRPERSON BERRY. The Kerner Commission?

MR. WILLIAM WOO. I'm sorry?

CHAIRPERSON BERRY. Was it the Kerner Commission?

MR. WILLIAM WOO. Yes. It was the Kerner Commission. Thank you very much.

Which urged newsrooms to get more African Americans, blacks, into newsrooms. And we looked around or the organization looked around and there were just very, very few.

I don't want to burden you, but I've got the figures, what the numbers were then. Maybe 3 percent or something like that.

And so we decided we wanted to get people who historically had been not recruited for newsrooms, exempted from newsrooms. People who just weren't in newsrooms, weren't represented. And so a whole variety of recruiting programs went on. The thing has gone up very slowly. We're only up to 11 percent right now.

COMMISSIONER GEORGE. Within the categories that have been defined as counting as minorities.

MR. WILLIAM WOO. Right.

COMMISSIONER GEORGE. Which does not include Arab Americans, does not include southern Italians.

MR. WILLIAM WOO. It does not include those. And the view of the organization back then— I was not a member of the American Society of Newspaper Editors when the program went into effect, although I later served on the Board of Directors of the organization— the idea was that there needed to be a special affirmative outreach and effort to bring into the newsroom certain groups that had been systematically excluded from it. If not systematically excluded from it,

accidentally excluded from it— however you slice it.

COMMISSIONER GEORGE. This being blacks.

MR. WILLIAM WOO. Yes. And these other three groups. All of which, incidentally, have their own institutional constituency within journalism.

There are organizations working for African Americans or Hispanics or Native Americans or Asian Americans, all of which I think are an enormously healthy development to hold editors' feet to the fire.

But that's the history, as best I can give it to you, of how the ASNE got into that counting business.

CHAIRPERSON BERRY. Mr. Woo, if I may interject just in the interest of time and say to Commissioner George that based on other briefings we've had and reports we've done before on this subject, as I recall, the Society of Newspaper Editors decided to do what we call now people of color, based on first the Kerner Commission report, which came after some riots and so on, and to focus its efforts on increasing people of color, which was the distinction.

And when they said minorities in those days, they meant people of color.

MR. WILLIAM WOO. That's right

CHAIRPERSON BERRY. Which is how that happened. Am I correct? I think that's how it happened.

MR. WILLIAM WOO. You're correct. The first year I see here is 1978— that was quite a long time before I became an editor of a newspaper— and the percentage then was less than 4 percent.

COMMISSIONER GEORGE. Well, this is a big issue, I think. Let us move on. But I'm sure it's one we'll be taking up in the future. Thank you.

CHAIRPERSON BERRY. Right.

Yes, Commissioner Horner?

COMMISSIONER HORNER. Yes. It sounds to me as if there are three issues that you all collectively have addressed, one of which I'd like to focus on, but the three are:

Negative stereotyping, the kinds of lurid language— you know, *mysterious Asian Americans*— or *eliding Asians* and *Asian Americans* as one category. And I noticed that, and what particularly made me notice that was having been sensitized by service on this Commission particularly to the way characterizations of African Americans are handled. All I could think of when I recollected the whole history of effort to make

sure that African Americans are properly handled in press characterizations was that there had been a huge disconnect between the way that African Americans were more delicately handled now than, say, 20 years ago in press characterizations and that there had been this huge learning experience for the press vis-a-vis African Americans and this total disconnect, and what I would call total backsliding, of general journalistic approaches when it came to Asian Americans and particularly Chinese Americans. So, that's an issue that, to me, probably political pressure over time will resolve.

The second issue is the question of visibility of Asian Americans in the press such that we don't first learn there are large numbers of Asian Americans living in America, if you don't live in a predominantly Asian American community, when there is a scandal. Such that you don't have to wait until there are scandals to learn that. And the observation I'd make on that is that people who become visible fall into several categories. One is you're a very powerful person and you make an important decision, so that gets reported in the newspaper and your face is there and your name is there. And that is a matter of advancement within the political and business worlds, it seems to me, to enhance visibility. Another way you do it is by breaking the law and doing something wrong. And that's not a desirable way to get in. But the third way strikes me as having some possibilities here that haven't been discussed, and that is people get into the press and others learn about them because they fiercely make efforts at self-promotion. And I was struck by something Dr. Ahn said, which was when she and others began to receive the phone calls from Ernst & Young, one of the things that distressed some Asian Americans was that this violated their sense of privacy. And you made some remark to the effect that this was a stronger feeling among Asian Americans, a desire for privacy. So one of the questions I would raise is whether Asian Americans have the habit that some other groups of Americans may have developed of promoting themselves so as to get on the front-page-of the Style section of the Washington Post. Those kinds of decisions are made as the newspaper editorial staff spins off competing self-promoters. In my observation, there's a huge sorting out among those who present themselves. So if you don't present yourself, you know, you're never going to get in there. So,

I guess I would just put that out as a cultural habit that I personally disapprove of and dislike but that a lot of people are out there practicing. And it seems to work.

The final issue that I've heard emerge that I want to ask the panel about is the question of issues of interest to Asian Americans of all kinds and all origins as they are presented in the press. What I would like to know is if I were an editor of a newspaper, what would I imagine are issues of interest to say a second generation Chinese American which would be different from generic issues. I mean, if you live in the city of Los Angeles as a second generation Chinese American, is there something you're particularly worried about that doesn't have to do with potholes or education or something that is just utterly generic? Because I question whether there are such issues— would like to know what they are— and if I need to know what they are, then others obviously would, too.

What are they? What are the issues?

DR. LEE. I'd like to start by— if I can, taking your question and changing it a little bit—

COMMISSIONER HORNER. Okay.

DR. LEE. — because I feel that when we set ourselves up to say what are Asian American stories, we're already starting to categorize ourselves. I would like to say to begin with that I would like to be portrayed.

One thing I'm doing some research on is Asian American actors and the one thing that stood out when they talked to me was they could not get any roles today cast as the guy next door. They were always asked to be the green grocer, the gambler, the dope dealer, the immigrant that couldn't speak English. To this day, Asian American actors, very talented, most of them are still doing these roles.

That's a mirror of what's happening in our society culturally.

COMMISSIONER HORNER. And that would be an issue of race or—

DR. LEE. Right. So let's start by saying we are your neighbors. We are the guy next door. We mow lawns. We coach Little League. We do all that stuff.

So when you start and do a story on Little League, include us. Not as the *other*, but let's start with inclusion rather than what are Asian American stories. I think that's a beginning.

In other words, if you're going to say *let's go find the model minority*, that categorizes us immediately. I say let's go the other way.

COMMISSIONER HORNER. So your preference would be not to encourage newspapers to respond on issues of particular interest?

DR. LEE. Yes. Which they are doing now. They're doing stories on immigration; how a certain group like the Hmong are affecting communities in Wisconsin because of their presence.

When Asians are mentioned in the media time and time again it's related to issues that affect the larger society. And I'm saying if you want to talk about coverage, good coverage of Asian Americans, stop treating us like the *other*.

CHAIRPERSON BERRY. Anyone else have comments?

MS. ZIA. May I just say also I don't think what Professor Lee is saying is to imply that there are no ways of dealing with Asian concerns in particular. That they're not just all blended in. And as a journalist and an editor, the thing is that the stories that concern Asian Americans I would say are the same as those that concern everybody else. Because the essence of your question is to say *how do Asian Americans go through life differently*.

COMMISSIONER HORNER. My assumption would be they don't except for particular issues having to do with race.

MS. ZIA. And I would say that, *Yes, but that's a big difference*.

And so, for example, I was just thinking this week, this week being the 5th, what significance does this have to anybody here? I find it interesting that this hearing is happening December 5th. Two days from now is December 7th. Some people that might jog a memory to say, *Oh, Pearl Harbor Day, that day that will live in infamy*.

I actually have a calendar hanging up on my wall that I flipped open to December. And December 7th—it says Pearl Harbor Day on it.

And for me as an Asian American to go through this week, I have a certain anxiety on December 7th because actually that happens to be a day of particular targeting of Asians, up to physical attacks and so forth but as well as verbal abuse. So every December 7th, I kind of look out like I check the weather for what might be coming down the way.

So that's a particular one.

DR. MANSFIELD-RICHARDSON. I would argue that there are issues that are beyond race that

might be of particular interest to particular groups of Asian Americans. Certainly cultural issues.

I mean, if you're a 67-year old immigrant and you might live a very different life from your grandchildren. And oftentimes the Chinese culture is very different from Bangladeshi cultures, is very different from Thai culture, and the various differences.

I mean, for example, Japanese Americans were traditionally much more involved in politics than Chinese Americans or other groups of Asian Americans. Filipino Americans, I believe they're the third largest group of Asian Americans. No. I think they're the second. Excuse me.

And when you ask people what's the second largest group of Asian Americans, they would never guess Filipino Americans, because they're not covered. They're not considered to be close knit or whatever.

COMMISSIONER HORNER. Do you think it's a good idea though to write stories that could reinforce stereotypes that may be in transition?

DR. MANSFIELD-RICHARDSON. I think your question might be coming from the way I was describing the method of my content analysis, which is sort of a classic scientific method where you take a lot of different ways, key words, to search to find articles that might address a particular area or subject.

And it wasn't just two key words of Asian and Americans. I said it was 198 key words. And on top of that, 123 names.

So, the answer to your question is I think it's important to cover stories that might actually be of interest to Asian Americans but pertain to an entire community. And I think it's important to realize that there are many issues and that, as you said, Little League is just as important to Asian Americans as it is to Italian Americans.

So I don't think you can say, *Well, then it's racist, or it's not right, to cover stories that are specifically about this group*. It's responsible to cover all the news that's relevant.

DR. LEE. I don't mean to say that it's not. The example is the very successful voter registration drive in California this time around. That's a wonderful story. That's a very American political story. I haven't seen it often.

In my search, I saw it in two newspapers. That was it. I mean, that's historic for the Asian community. And that's the kind of Asian American story which is part of the political process

that I'm talking about that goes to a certain connectedness that reflects something that is happening in the community. But none of that stuff that's, *Hey, you know, Asians in the White House! On the dole!* That's a story that the media wants to pick up.

See, that's the difference, I think.

MR. WILLIAM WOO. I think that one of the things, when you get more senior editors who are Asian Americans in the newsroom and you get a story like that coming across, I can tell you that I'd have jumped on that story. This is something really of interest. But I think that this doesn't resonate often and it just doesn't get into the paper.

DR. LEE. But, you know, that's what I'm saying. A savvy editor will turn around and say, *Hey, this is Boston, this is New York City. What's happening with our voter registration drives locally?*

You can take that story and make it a local story.

MR. WILLIAM WOO. Who else is doing voter registration stories?

CHAIRPERSON BERRY. Does any other Commissioner have a question?

It occurred to me that nowhere in this discussion has it been noted that perhaps this got coverage, the whole campaign finance relationship with Asian Americans and so on, because we're talking about the highest levels of American politics. I mean, if we were talking about somebody contributing money and having relationships to the Mayor of Ipswich, wherever that is, perhaps it wouldn't have been covered. But if you're talking about the White House and you're talking about Presidents and Members of Congress and people like that, that means in a sense a much bigger story that people would be interested in. And then if you can relate it to Asian Americans— I'm merely asking. It just occurred to me, while I was sitting here and you were talking about how the press decides what stories to pursue. It might also be the case that if it's a campaign finance violation and there are allegations of wrongdoing at the highest levels and it's settled, as in the Fireman story that was on page 4 or 6 or whatever, and there's no continuing saga to go on for days and days and days, that's different from being on the trail of an investigation that goes on and on and in and out. And every time you can mention White House, every time you can mention that, you've got the whole

White House news apparatus, all those press people who cover it and so on.

I mean, maybe that had something to do with it. I don't know the answer to that. And you can either comment on that, or say whatever you intended to say when you raised your hands and ignore me. That would be fine. But it occurred to me that that should be a query.

Yes?

MS. ZIA. I think that's a very logical question, that the news asks itself. *Were we not going in the direction that the clues pointed? We saw smoke. Therefore, we assumed fire and we kept looking.*

And I think to a degree that was so. And in fact, we are obligated to do that whether it's Asian Americans or any other particular group.

However, I would also say— if I didn't just lose my train of thought—

CHAIRPERSON BERRY. It's all right. If you did, we'll come back to you. It happens. We'll come back to you.

VICE CHAIRPERSON REYNOSO. Let me ask you something and maybe it will bring back your thought, if I might.

CHAIRPERSON BERRY. Go right ahead, Vice Chair.

VICE CHAIRPERSON REYNOSO. It strikes me that maybe the confusion of Asian Americans with Asian nationals in different countries may not have been all that innocent. I remember being struck by an article I read that said that some Japanese company interests had bought a small but significant interest in the Rockefeller Center and it made headlines in all the financial papers and so some editors were asked about it and they said, *Well, we thought the American public would be interested in knowing that foreign interests have gotten hold of something that's as all-American as the Rockefeller Center.* But then the article went on to note that a British company had bought the entire Holiday Inn chain, and it said what could be more all-American than Holiday Inn, yet not one headline and very few articles were published about that.

And so the editors worry about what will sell. And maybe the story, this political story would sell more if it was somehow confused in terms of foreign nationals, et cetera, et cetera, and sort of soft pedal the fact that all those folk were American citizens.

Am I being too cynical now?

MR. WILLIAM WOO. I think one of the things that affect that particular story that you mentioned is that it takes place at the very moment when rising Asian economies are seen as a threat to our economy or a threat to our jobs in a way that the declining or rising British economy may not be.

And I think that was a big theme throughout. You'll see it everywhere. The now toothless tigers.

DR. MANSFIELD-RICHARDSON. In answer to your question, Ms. Berry, I would say it is not so much that the story took place at the White House. I mean— yes, that makes it significant. It is a significant story to cover. It's the way the story is covered.

And I would like to quote one of our earlier guest speakers who said— she asked who took Asian Americans down this road. And the problem is that the coverage has implied that Asian Americans have been taken down a road, when in fact they haven't been taken down a road at all. Most of them didn't do anything illegal. Most of them did something very patriotic in the eyes of a lot of people.

I think you also have to realize one of the things that I teach my students in my media ethics class and in international mass communications is that we are all subject to racial stereotypes whether we're white, black, Jewish, Catholic, whatever.

And you have to keep in mind that if the majority of the editors and producers in this country are older white males who are 50 and above most likely— I'm talking senior editors and senior producers— that they have lived through World War II and that Pearl Harbor Day is significant to them and that their views of the world are shaped very differently than my students' view of the world when I can't even get across to them why there's a problem if journalists accept various payments to speak at institutions, why there might be a conflict of interest there.

I mean, you're looking at people who grew up in very, very different worlds and that, whether it's innocent or deliberate, affects their outlook.

CHAIRPERSON BERRY. We'll take one more.

VICE CHAIRPERSON REYNOSO. She remembered.

MS. ZIA. Yes, I did remember about your question on why the reporters went in a par-

ticular direction or investigation and why that led to the White House.

And I just wanted to say as a reporter, as a journalist, as somebody who has done investigative reporting, I think we all have a belief that if you point us in any direction and pick up that rock, we will find something.

And so there is an aspect of it that, yes, part of the trail led there. But then being there accounts for quite a bit of it. If we just keep digging, we will find something. And that could have been at the Kramers or at the Firemans. In this case, it wasn't. And some— up to perhaps 90 percent— of those resources of journalism ended up at the Huangs, Chung and Tries and not at the Firemans. But had some of those resources, some small percentage of those resources, gone in that direction, I'm sure we would have found things as a journalist.

CHAIRPERSON BERRY. Okay. Well, I want to thank the panel very much. I want to thank all of the panelists. And I want to say for the Commission that we hope that today's briefing has helped to air and illuminate these issues that were raised in the petition and that we have educated ourselves and the public, and we will be pursuing some of these issues in the future. Thank you very much.

(End of Briefing)

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