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Introduction to Petition to U.S. Commission on Civil Rights

Edward M. Chen†

Since their immigration to this nation over a century ago, Asian Pacific Americans, like other racial minorities, have had to deal with debilitating and dehumanizing stereotypes. The most dominant and persistent perception is that of "foreigners" to America, a perception that pervades the experience of Asian Pacific Americans no matter how long and deeply rooted in America they or their ancestors may be. This phenomenon has had many and various manifestations: the myriad accented and accentuated "Oriental" Charlie Chan stereotypes of Hollywood, the government's assertion of potential mass disloyalty as justification for the World War II internment of 110,000 Japanese Americans (many of whom were second generation American citizens), the 1950's FBI interrogation and surveillance of Chinese American community leaders and community organizations during the McCarthy period, and the baseball bat beating and murder of Vincent Chin, mistaken for Japanese by unemployed Detroit auto workers disgruntled over Japan's dominance of the automobile industry.

The campaign finance controversy swirling around allegations of improper fundraising by John Huang and other Asian Pacific American individuals has added yet another chapter of vilification of Asian Pacific Americans. The events that have unfolded over the past year and a half—the rush by members of Congress and the media to link on the basis of innuendo and speculation alleged fundraising improprieties of John Huang to a conspiracy by the People's Republic of China to influence American elections, the proposals of the Democratic National Committee and leaders of Congress to prohibit all non-citizens (including legal permanent residents) from contributing to political campaigns in response to alleged violations by John Huang, Charles Trie and Johnny Chung, each of whom are American citizens (a fact lost upon political leaders and the media), the media's repeated failure to distinguish between Asian Americans and Asian foreign nationals—have become a painful reminder the despite the economic progress and advances in civil rights won by Asian Pacific Americans and other

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minorities over the past three decades, Asian Pacific Americans continue to be afflicted with and victimized by the same racist stereotypes and perceptions as un-American “foreigners” that have historically plagued our community.

Even more disturbing, this resurrection of stereotypes has been accompanied by outright discrimination in the way this controversy has been handled. The Asian Pacific American community as a whole has been treated with double standards. For instance, in response to allegations about John Huang and others, the Democratic National Committee conducted an internal audit wherein over a thousand Asian Pacific American contributors, many of whom were selected not because of any connection to individuals under investigation but simply because they gave at “event[s] embracing the Asian Pacific American community,” were interrogated by auditors about their citizenship, personal income, sources of wealth, and creditworthiness. Incredibly, the blatantly race-based audit was conducted with the advice and assistance of the renowned accounting firm of Ernst and Young and the law firm of Debevoise and Plimpton. Moreover, the entire first month of the Senate’s hearings on the campaign finance controversy focused exclusively on activities of Asian Pacific Americans and 49 of the first 53 subpoenas were directed against Asian Pacific Americans; meanwhile, virtually no attention was devoted to proven campaign finance transgressions by non-Asians such as the record $6 Million fine assessed against Simon Fireman or the largest fine ($323,000) assessed by the SEC for foreign money laundering against a German businessman, Thomas Kramer. And in an environment driven by vilification of Asian “foreigners,” members of Congress and other political leaders made racially derogatory remarks about Asian Americans and Asian cultures with impunity and little media scrutiny, perhaps the best example of which is Ross Perot’s reciting the names of Asian Pacific American campaign contributors and remarking, “So far, we haven’t found an American name,” followed by his rhetorical question, “Wouldn’t you rather have someone named ‘O’Reilly’ instead of ‘Huang’ working for you?”

It was this pervasive pattern of racial stereotyping, scapegoating and discrimination directed at the Asian Pacific American community by our nation’s most powerful institutions—Congress, the major political parties, public figures, and the media—to which fourteen national Asian Pacific American organizations and four individuals sought to respond by filing a petition with the U.S. Commission of Civil Rights. Sadly the campaign finance controversy unfolded at a time when the Asian Pacific American community was making remarkable strides in the political arena, achieving record rates of voter registration, electing the first Asian American governor outside of Hawaii, and playing a pivotal role in several local elections. The diverse group of Asian Pacific Americans coalesced to change the direction and tenor of public debate and discussion, to point out the racially
INTRODUCTION TO PETITION

biased assumptions and stereotypes that underlie the institutional responses to and reporting of the controversy, to give voice to a community under a public relations siege, and to save the political gains the community had recently won.

The petition sought a full investigative hearing and report by the Commission which had previously issued a comprehensive report, "Civil Rights Issues Facing Asian Americans in the 1990's," that comprehensively examined discrimination against and stereotyping of Asian Americans. Unlike litigation in a court of law seeking punishment of or compensation from particular individuals or entities, the petitioners hope their request for public hearings by the Commission will achieve the broader, more enduring goal of educating the public about inaccurate assumptions and stereotypes perpetuated about Asian Pacific Americans, the destructive and corrosive effect of such discrimination, the need to hold institutions and public leaders accountable for their irresponsible actions, and the imperative to stop the politics of scapegoating.

The petition, filed on September 11, 1997, received extensive national media coverage and was noted by members of Congress and White House officials. Ironically, just a week before the petition was filed, an incident happened at the White House in which a member of the Civil Rights Commission who is Asian American, was detained by White House security and questioned about her citizenship before being permitted to attend a meeting to which she had been invited, an incident which helped underscore the point of the petition.

In response to the petition, the Commission decided to hold an issues briefing, a less formal procedure which does not entail the issuance of formal findings and recommendations but which can be carried out more expeditiously than a full investigatory hearing. In announcing the briefing, the Commission issued a strong statement condemning the scapegoating and unfair treatment of the Asian American community arising out of the campaign finance controversy. 1 On December 5, 1997, the Commission conducted the briefing and heard from over a dozen witnesses representing the organizational petitioners, individual victims of the discrimination, historians, and media experts. The Commission is expected to release a comprehensive transcript of the briefing together with written materials submitted by the witnesses. 2 The Commission retains the option to hold formal hearings at a future date.

1. Prior to the hearing, the chairman of the Federal Election Commission, John Warren McGarry stated he believed Asian Americans have been victims of a double standard, pointing out for instance that had Thomas Kramer, the German businessman fined by the FEC for illegal campaign donations "[been] an Asian American, it would have gone on and on." Chao, Campaign Finance Coverage Unfair, S. F. EXAMINER, Nov. 16, 1997, at BI.

2. A month after the briefing, the Democratic National Committee announced its reversal of the policy banning legal permanent residents from making political contributions to the party.
The challenge to the Asian Pacific American community and indeed the nation as a whole is to come to grips with the depth of racial discrimination that still abounds. While the petition immediately concerns the rights of Asian Pacific Americans in the context of this most recent chapter on discrimination, ultimately it is about much more. If we as a nation allow one group to be targeted for special restrictive legislation, to be demonized and to have their rights to political participation and expression limited, then no group can consider itself safe from similar treatment that may arise from some other political exigency. What is at stake is more than an investigation into the unfair and hostile actions against one minority group—it is the education and advancement of a whole nation in its effort to define America in the 21st Century—a struggle about whether diversity will be truly accepted as a core value of a pluralistic society or relegated to hollow rhetoric.
PETITION FOR HEARING

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IN THE UNITED STATES COMMISSION ON CIVIL RIGHTS

In re the Petition of the NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM, the ORGANIZATION OF CHINESE AMERICANS, the ASIAN PACIFIC AMERICAN LABOR ALLIANCE, the JAPANESE AMERICAN CITIZENS LEAGUE, the KOREAN AMERICAN COALITION, the PHILIPPINE AMERICAN FOUNDATION, the ASIAN PACIFIC AMERICAN LEGAL CENTER, the CHINESE AMERICAN CITIZENS ALLIANCE the ASIAN AMERICANS FOR CAMPAIGN FINANCE REFORM, the NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION, the INDIA ABROAD CENTER FOR POLITICAL AWARENESS, the NATIONAL KOREAN AMERICAN SERVICE & EDUCATION CONSORTIUM, INC., the ASIAN and PACIFIC ISLANDER AMERICAN HEALTH FORUM, the COMMITTEE OF 100, DR. SUZANNE AHN, ANTHONY CHING, CHARLES WOO, LILY LEE CHEN,

Petitioners

PETITION FOR HEARING

Petitioners, the NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM, the ORGANIZATION OF CHINESE AMERICANS, the ASIAN PACIFIC AMERICAN LABOR ALLIANCE, the JAPANESE AMERICAN CITIZENS LEAGUE, the KOREAN AMERICAN COALITION, the PHILIPPINE AMERICAN FOUNDATION, the ASIAN PACIFIC AMERICAN LEGAL CENTER, the CHINESE AMERICAN
CITIZENS ALLIANCE, the ASIAN AMERICANS FOR CAMPAIGN FINANCE REFORM, the NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION, the INDIA ABROAD CENTER FOR POLITICAL AWARENESS, the NATIONAL KOREAN AMERICAN SERVICE & EDUCATION CONSORTIUM, INC., the ASIAN and PACIFIC ISLANDER AMERICAN HEALTH FORUM, the COMMITTEE OF 100, DR. SUZANNE AHN, ANTHONY CHING, LILY CHEN, and CHARLES WOO\(^1\), submit the following Petition for Hearing to the United States Commission on Civil Rights:

**I. INTRODUCTION**

The recent controversy over allegedly illegal campaign contributions has resulted in a renewed dialogue on the subject of campaign finance reform. While that dialogue is important and necessary and Petitioners welcome discussion and debate about reform, the issue has become racially tinged with harmful consequences to immigrants and Asian Pacific Americans. Members of some of the nation's most important and powerful institutions—the Congress, the nation's major political parties, public officials, and the news media—have acted irresponsibly and carelessly to the allegations of wrongdoing by scapegoating and stereotyping Asian Pacific Americans and immigrants.

Petitioners do not condone or excuse any illegal acts that may have been committed by those accused; they support a full investigation into any and all substantial allegations of misconduct. Petitioners do, however, demand that the investigations, statements and policy choices of Congress, political parties, and public officials, and reportage by the news media be fair, informed, accurate and free of racial and anti-immigrant bias. They ask that the standards applied to Asian Pacific Americans—Congressional hearings, in the media and by all political parties—be fair and equal as befitting their status as loyal citizens and legal permanent residents of this country.

As we discuss in greater detail in this petition, members of those institutions have engaged in a pattern of bias based on race and national origin. This discrimination includes treating Americans of Asian descent as foreigners, using racial stereotypes, making unfounded presumptions and generalizations based on ethnicity or alienage, ascribing criminal behavior or tendencies to an entire race of people in order to explain alleged illegal acts by a few, employing double standards in examining the conduct of Asians and Asian Pacific Americans far more critically than comparable and even more egregious conduct by others, and catering to xenophobic

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1. The organizational Petitioners and individual Petitioners are described more fully in Appendix A, attached to this Petition.
fears by dramatizing claims of Asian Pacific American involvement in international conspiracies to corrupt American elections without specific proof.

This treatment of Asian Pacific Americans today is but a part of a long history of discrimination against Asians and Asian Pacific Americans in this country. From the immigration exclusion acts in this country first passed to exclude the Chinese, to discriminatory laws denying Asian Pacific Americans employment in certain industries, the right to own land, the right to attend integrated schools, the opportunity to obtain citizenship, to the forced mass incarceration and loss of liberties of 110,000 Americans of Japanese ancestry during World War II (two-thirds of whom were citizens), to the indiscriminate investigation of Chinese Americans during the Cold War, Asian Pacific Americans have shared a legacy of discrimination with other people of color.

This Commission has previously examined and reported on civil rights problems confronting Asian Pacific Americans. In its comprehensive look at Asian Pacific American civil rights issues, the Commission noted racial attacks and slurs by public figures, stereotyping of Asian Pacific Americans by the public and in the media, and discrimination against Asian Pacific Americans arising out of the perception that all Asians in this country are foreigners. U.S. Civil Rights Commission, Civil Rights Issues Facing Asian Americans in the 1990's, February, 1992. Despite the warnings by this Commission and by civil rights advocates about the injurious consequences of Asian-bashing and stereotyping, some members of the Nation's most influential institutions are once again engaging in the same group-based discrimination to unfairly stigmatize and harm a politically vulnerable population.

The issues raised in this Petition are significant not only to Asian Pacific Americans but to ALL Americans. As the demographics of this country change to reflect the growing population of people of color, the challenges of a diverse, multi-racial society become manifold. The degradation of any discrete and insular minority group—here the "foreignization" of Asian Pacific Americans in particular—reflects an intolerance of diversity and besmires the ideals of our Constitution. Consistent with the President's Initiative on Race, Petitioners believe that it is only by examining those tensions and engaging in constructive dialogue can we bridge the chasm of cultural and racial ignorance and move forward as a whole nation. In this sense, we must all become engaged in a struggle to define America in the 21st Century - a struggle about whether diversity

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will be accepted as a core value of this multicolored country or will be re-
jected as hollow, meaningless rhetoric. What is at stake in this Petition,
then, is more than just an investigation into the unfair actions against one
minority group - it is the education and advancement of our Nation, a Na-
tion diverse yet one.

II. ALLEGATIONS OF DISCRIMINATION

A. LEGISLATIVE PROPOSALS IN CONGRESS—TREATING ALL LEGAL PERMANENT RESIDENTS AS PRESUMPTIVE FOREIGN AGENTS.

The xenophobia infecting the campaign finance reform debate has
made its way into legislative proposals introduced in the current Congress
by both Democrats and Republicans. Shortly after the 1996 Presidential
election, in response to the current controversy, both Democratic and Re-
publican members of the House and Senate introduced 9 different bills
which would prohibit campaign contributions by legal permanent resi-
dents\(^3\), some of which would bar independent expenditures by legal per-
manent residents as well.\(^4\) Each of these bills would alter existing federal
law which prohibits “foreign nationals” from making political contribu-
tions but expressly allows legal permanent residents and citizens to make
such contributions. 2 U.S.C. Section 441e. As Senator Lloyd Lloyd Bentsen
noted in introducing the provision that currently gives permanent residents
the right to contribute:

There are many resident immigrants in the United State 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 candi-
date of their choice . . .

Bentsen).

Senator Bentsen’s remarks and Congress’ decision in 1974 to protect
the First Amendment rights of permanent legal residents echoed the observa-
mations made by the Supreme Court more than 25 years ago that “Aliens

Dorgan, D-N.D.); H.R. 767, 105th Cong., 1st Sess. § 3 (1997) (introduced on February 13, 1997 by
21, 1997 by Sen. Hutchinson, R-Tex.).

D-S.D.).
like citizens pay taxes and may be called into the armed forces. . . . [They] may live within a state for many years, work in the state and contribute to the economic growth of the state.” Graham v. Richardson, 403 U.S. at 365. The vast majority of legal immigrants come to the U.S. to join close family members; to fill jobs that no qualified U.S. citizen has taken after the job was advertised by the employer; to seek a better life or to escape persecution based on political opinion, race, religion, national origin, or membership in a particular social group. In sum, these are people who come to the United States for most of the same reasons the first immigrants arrived. These residents, who are in nearly every respect functionally equivalent to citizens, are loyal Americans. Nearly 20,000 legal immigrants now serve voluntarily in the military, and more than 20% of the Congressional Medal of Honor recipients in U.S. wars have been legal immigrants or naturalized Americans. Amer. Immigration Law Foundation, Immigrant Policy Rept. No.31 (April, 1997), p.10.

Like citizens, legal permanent residents have a substantial stake in the elections of public officials; the policy decisions those officials make can have an enormous impact upon their lives (as recent legislation which denied legal immigrants access to essential benefits such as Supplemental Security Income for disabled, blind and elderly resident aliens demonstrates). Legal permanent residents are entitled to the same First Amendment rights as citizens. As long as private donations are an integral part of our political system, to bar legal immigrants from showing support for the candidate of their choice would be like requiring them to sit out during a demonstration, or denying them the right to hold a rally in a park, or banning them from running a political ad in a newspaper. This is hardly the message about our First Amendment freedoms we should send these “citizens in training.” Such an exclusionary policy would also undermine and distort the “free marketplace of ideas” that underpins the First Amendment - that the marketplace of ideas benefits from the open participation of all who have a stake in its discussions even if they cannot vote in the formal electoral process. Certainly, the First Amendment does not permit barring minors from exercising their rights to express their views on public matters simply because they cannot vote. See e.g. Tinker v. Des Moines Ind. Comm. Sch. Dist., 393 U.S. 503 (1969). Women were not excluded from the protection of the First Amendment in their struggle to obtain the right to vote during the suffrage movement. The principle that the First Amendment applies independent of the right to vote is no less true for legal permanent residents. These proposals also have a distinctly racial im-
Asian Pacific Americans and Latinos comprise majority of non-citizens in this nation; two-thirds of the Asian Pacific American community are immigrants.

The proposals to strip legal immigrants of their core First Amendment rights to express their support for political candidates is based not upon any studied analysis or legislative evidence justifying this abrogation of rights. Proponents of these proposals have produced no evidence that legal permanent residents are more likely to engage in money laundering on behalf of foreign governments than citizens. The Federal Elections Commission has no statistics as to the amount of campaign contributions made by legal permanent residents as compared to citizens, nor does the FEC keep statistics as to the number of violations of federal law committed by legal permanent residents as compared to citizens. In our survey of various states, we found no state regulatory agencies that keep such statistics. Indeed, outside a handful of instances, agencies we surveyed were hard pressed to identify any substantial money laundering operations that involved legal permanent residents. A review of publicly listed violators of California’s money laundering laws includes such “all-American names” as the San Francisco Forty-Niners, Hard Rock Cafe America, L.P., and the Los Angeles Marathon. California Elections Code §84301 report issued by California Fair Political Practices Commission. Ironically, the individuals who have been the primary focus of the current campaign finance controversy, John Huang, Charles Trie and Johnny Chung, are all U.S. citizens. And, while there is no data regarding the extent of political contributions made by legal permanent residents, published data reveals that substantial sums of soft money contributions are regularly made by U.S. subsidiaries and affiliates of foreign-owned companies. For instance, in the 1995-96 election cycle, Joseph E. Seagram & Sons of Canada contributed close to $2,000,000 to the Democratic and Republican parties; Rupert Murdoch’s News Corp. of Australia contributed $674,700 to the national parties, as well as $1,000,000 to the California Republican Party; Brown & Williamson Tobacco of the United Kingdom contributed $642,500 to the DNC and RNC. (See report of Center for Responsive Politics based on FEC records.)

Yet, the Congressional proposals only affect individuals who are non-citizen legal residents, not U.S. companies


6. Political action committees sponsored by foreign-owned or foreign-controlled corporations contributed over $3.1 million to 1992 congressional campaigns. The multinational corporations making these contributions include Toyota, Shell Oil, and British Petroleum. Comment, “Prohibitions on Campaign Contributions from Foreign Sources: Questioning Their Justification In a Global Interdependent Economy,” 17 U. Pa. J. Int’l Econ. L. 957, 965 (1996). “These large conglomerates generally contribute to the campaign chests of senior members of the House Ways and Means Committee and the Senate Finance Committee because these are the politicians who most influence U.S. trade and tax policy.” Id.
owned by foreign corporations.  

It is therefore clear that the proposed ban on such First Amendment activities by legal permanent residents cannot be justified by the concern about “foreign money laundering” or improper political influence by foreign governments and businesses, since many large foreign-controlled corporations would not be prohibited from making contributions. There is no evidence that money from foreign governments or businesses is more likely to be “laundered” through legal immigrants than citizens or corporations. Singling out permanent residents will do nothing to solve any perceived problems with campaign finance since foreign countries and foreign corporations (except U.S. subsidiaries of foreign corporations) are already barred by law from contributing to political campaigns in the U.S.. Further, it is already against the law for a person to serve as a fraudulent conduit for another in making political contributions. 2 U.S.C. Section 441f.

This wholesale restriction on core First Amendment rights of American immigrants (see Covington & Burling Memo of May 8, 1997 analyzing the constitutionality of such restrictions under the First Amendment and Note, “‘Foreign’ Campaign Contributions and the First Amendment,” 110 Harv. L. Rev. 1886 (1997)) is instead predicated on a disturbing hysteria regarding “foreign” influence which results in the unfair stigmatization of legal permanent residents as a class, a class which constitutes “a prime example of a ‘discrete and insular’ minority” in need of protection, not persecution. Graham v. Richardson, supra, 403 U.S. 372. Non-citizens have long been scapegoated and subjected to invidious discrimination.

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7. This Petition does not argue whether Congress should restrict only such corporate contributions; such legislation, like the proposed restrictions on legal permanent residents, could raise significant First Amendment questions. See Note, “‘Foreign’ Campaign Contributions and the First Amendment,” 110 Harv. L. Rev. 1886 (1997).

8. Indeed, it appears that the more powerful sources of influence upon U.S. foreign policy are former U.S. officials like Henry Kissinger, Cyrus Vance, Lawrence Eagleburger and other former officials who have strong business ties to foreign governments. See Judis, “Chinatown”, The New Republic, Mar. 10, 1997, p.17.

9. This history is well documented. See e.g., Oyama v. California, 332 U.S. 633, 651-62 (1948) (Murphy, J., concurring). Initially tolerant and liberal immigration policies of the United States gave way in the mid-nineteenth century to anti-immigration sentiment against the Irish and German Catholics in the East and the Chinese on the West Coast. E. Hull, Without Justice for All: The Constitutional Rights of Aliens 3 (1985). During the second half of the nineteenth century, membership in “America First” organizations quadrupled, and Congress passed a series of restrictive acts that fundamentally changed the country’s immigration laws. Id. at 10-11.

In the late 1800s and early 1900s, nativist movements resulted in further restrictive immigration laws enacted against Asians (e.g., the Chinese Immigration Exclusion Act of 1882 and the “Gentlemen’s Agreement” of 1907). Id. at 11. New arrivals from Italy, Greece and Poland during that period outnumbered those from Northern and Western Europe, fueling nativist backlash. Id. at 13-14. In 1911, the federal Dillingham Commission issued a report concluding that “new” immigrants were of inferior stock and would debase American society unless immigration from Southern and Eastern Europe were curtailed. Id. at 14-15. Largely in response to nativist pressures, English literacy and citizenship requirements were first imposed as a condition for federal civil service in 1882. For similar reasons, Congress passed the Nationality Act of 1906, which imposed English literacy as a condition of naturalization for the first time. Arnold Leibowitz, The Official Character of Language in the
The current Congressional proposals which effectively treat legal permanent residents as presumptive conduits for foreign governments repeat that unfortunate tradition.

B. CONGRESSIONAL HEARINGS ON CAMPAIGN FINANCE—THE FOCUS ON ASIAN PACIFIC AMERICANS

The Senate hearings to investigate possible violations of campaign finance laws have for the first 3 weeks focused almost exclusively on alleged violations by Asian Pacific Americans. Other campaign violations and other larger issues pertaining to the need for campaign finance reform have been largely ignored. For instance, the campaign finance violations by Simon Fireman which produced nearly $6 million in fines (the largest in FEC history) have barely been mentioned. Nor has any of the testimony discussed the massive amounts of monies contributed by foreign corporations through U.S. subsidiaries, involving amounts which eclipse all the monies raised by John Huang, Charles Trie, and Johnny Chung combined. Furthermore, campaign violations and money laundering by other non-Asian foreign individuals have been almost completely disregarded. For instance, during the Senate hearing in July, 1997, the FEC announced the imposition of the largest fine ever imposed for violation of laws against foreign contributions upon Thomas Kramer, a German national. Again, no testimony was taken at the hearing about this transgression, and there are apparently no plans to investigate the circumstance of that proven violation. It seems highly likely that had Kramer been Asian, a much different course of action would have ensued; further investigation would undoubtedly have been conducted into whether there might have been a wider conspiracy or whether any foreign government may have been involved.

In contrast, Senator Fred Thompson (R-Tenn.) sensationalized the hearings, announcing that he had proof that John Huang acted as an agent for the People’s Republic of China in their attempt to influence the 1996 elections. Although Senator Thompson’s remarks catered to xenophobic fears, spinning alleged campaign violations into a case of political espionage by a Communist government, he later conceded he had no hard evidence to substantiate this sensational claim. Nor has any substantial evidence has been publicly presented as of this date to link Asian Pacific Americans with such claimed political espionage. These declarations are reckless because of the irreversible damage, damage which could not be

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10. Of the first 53 subpoenas issued by Senator Thompson’s committee, 49 were sent to Asians or Asian Pacific Americans. DeVoss, “Asians take the heat as campaign finance probe gains steam”, Asia Times, Mar. 4, 1997, p.6.
undone even if the allegations prove to be false, which is created by the impression of an Asian Pacific Americans link to a Chinese conspiracy.

C. ACTIONS OF THE NATIONAL POLITICAL PARTIES—SCAPEGOATING AND STEREOTYPING

1. 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 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.” (See written statement of Judah Best of Debevoise & Plimpton at DNC Press Conference, Friday, February 28, 1997.)

Those contributors who were investigated, including Petitioners ANTHONY CHING, CHARLES WOO, LILY CHEN (Former Mayor of Monterey Park, California) and a close relative of DR. SUZANNE AHN, were telephoned and interrogated by anonymous callers about their citizenship (even though under federal law, 22 U.S.C. section 441e, legal permanent residents as well as citizens of the United States are permitted to contribute to political campaigns), source of the donation, personal finances (including their employment, annual income, assets), and were asked to authorize release of a credit report to the DNC. Some were told that if they refused to provide the requested information, their names would be released to the press. The specified criteria for being targeted by the audit as well as the manner in which names were actually selected for investigation appear racially discriminatory, singling out Asian Pacific Americans not based upon a connection with suspected individuals or events, but upon their Asian surnames. In particular, Petitioners allege that as to those who contributed $10,000 or more, DNC auditors focused disproportionately on Asian Pacific Americans and that few, if any, of those contributors interrogated were not of Asian descent, even though the vast majority of contributors who gave more than $10,000 were not of Asian descent.

Moreover, while evidence suggesting improper contributions and so-
licitations by particular individuals conceivably could have justified criteria focusing on selected individuals or events, the DNC's use of a general "catch-all" criteria which broadly included all contributors who contributed over $5,000 "in connection with any DNC fundraising event embracing the Asian Pacific American community" was overbroad and racially discriminatory on its face, sweeping in scores if not hundreds of Asian Pacific Americans and treating them as inherently suspect even though they had no tie to John Huang, Charles Trie, Johnny Chung, or the Hsi Lai Buddhist Temple in California. Taken together, these audit criteria amounted to a race-based investigation based on stereotypes and unsupported presumptions. Among those who were targeted for investigation were Petitioner Lily Chen, a former Mayor of Monterey Park, California, the sister-in-law of Petitioner Ahn, a respected neurologist in Texas, Petitioner Anthony Ching, a respected lawyer for a large corporation, and Petitioner Charles Woo, a successful businessman in southern California.

The overbroad and unjustified sweep of the DNC's audit criteria was borne out by the actual results of the audit. Of the 1,200 contributions reviewed, the DNC returned contributions from just 77 persons, representing 6.4% of those interrogated. Of those, the majority were returned because of "insufficient information," not because of any established impropriety.

2. New DNC Policy Excluding Legal Permanent Residents.

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 also announced a new DNC policy in response to the allegations of improper fundraising. Reflecting an unwarranted fear of not only Asian Pacific Americans, but all legal immigrants, they declared that the DNC will 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.

(News DNC Compliance Procedures and Fundraising Manual, Executive Summary.)

Under the new DNC policy, any person who is not a U.S. citizen will not be permitted to attend the following DNC events:

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.

(New DNC Compliance Procedures and Fundraising Manual, Executive Summary.)

In other words, legal permanent residents cannot even visit the White House for an event or have their pictures taken with their own President, Vice President, First Lady or Mrs. Gore. This new policy, like the Congressional proposals discussed above, essentially presumes that legal permanent residents are inherently untrustworthy and more likely to participate in international conspiracies to corrupt American elections than anyone else. That presumption is totally unfounded as the DNC has failed to demonstrate any connection between the audit it conducted and the need for this change in policy. Nor has it shown how this policy would be effective in preventing future transgressions of the type being investigated; as previously noted, the individuals being most closely investigated are U.S. citizens. The new DNC policy simply constitutes racial stigmatization and infringes on the First Amendment rights of Asian Pacific Americans and legal immigrants.

3. The National Republican Senatorial Committee

Some leaders of the Republican Party have aggravated anti-Asian and anti-immigrant sentiment created by the campaign finance controversy. The decision to highlight activities of Asian Pacific Americans and the as yet unproven insinuation of a “China connection” allegedly through Asian Pacific American individuals cannot be divorced from partisan political strategy. Again, while no substantial evidence has been produced publicly as of this date of such a connection, the public’s perception of such a connection has been irretrievably instilled.

Outside the hearings, the National Republican Senatorial Committee (NRSC) has sought to manipulate nativist emotion to its financial advantage and at the expense of Asian Pacific Americans who inevitably feel the heat of anti-Chinese feelings even when they have no connection with China. A fundraising letter from the NRSC accuses President Clinton of selling the Office of the Presidency “for ILLEGAL FOREIGN CASH.”

11. The phenomenon of scapegoating Americans of a particular ancestry in times of xenophobic backlash against their ancestral homeland has often been repeated in American history. German Americans were barred from using their native languages during the anti-German hysteria during and following World War I. See Meyer v. Nebraska, 262 U.S. 390 (1923). One hundred ten thousand Japanese Americans, many of whom were American citizens born in the United States were incarcerated without trial during World War II. The backlash against Japan’s dominant economy and the U.S. trade deficit in the 70’s and 80’s resulted in a dramatic rise in hate crimes against Asian Pacific Americans, including the beating and killing of Vincent Chin in Detroit. During the war in Iraq, Arab Americans were subjected to race-based inquiries and investigations by law enforcement and harassment by the public.
and auctioning off the U. S. Presidency "to foreign businessmen and government...including Red China, which still considers itself a Communist country!!" (Emphasis in original). While allegations of China's attempt to give money to political campaigns are in fact under investigation, the inflammatory language of the letter appeals to xenophobia with racial undertones (focusing repeatedly as it does on the threat from "Red China"). As this Commission noted in prior reports, anti-Asia sentiment propagated by public leaders have dangerous spillover effects upon Asian Pacific Americans, as illustrated by the tragic killing of Vincent Chin in the midst of anti-Japan bashing of the 1980's.12

D. RACIAL REMARKS BY POLITICIANS AND CANDIDATES

Numerous elected officials, including Members of the House and Senate and candidates for public office, have made racially biased or offensive remarks to the public and in the media, contributing to an environment of antagonism towards Asian Pacific Americans and immigrants. During the 1996 presidential campaign, Ross Perot recited the names of Asian Pacific American campaign contributors in a November 3 Speech at the University of Pennsylvania and then declared, "So far, we haven't found an American name." He asked the audience whether they wouldn't "...rather have someone named 'O'Reilly' instead of 'Huang'..." working for them. Later when the names of Mark Middleton and James Wood were raised as persons possibly linked to improper fundraising by the DNC, Perot said, "Now that's two names you can relate to." Perot's characterization of Asian-sounding names as un-American typifies historic attempts to treat Asian Pacific Americans as "outsiders" and "foreigners" no matter how deep their roots and how long their ties are with this nation.

Earlier this year, Senator Sam Brownback (R-Kansas) has joked before the Washington Press Club Foundation, , "Two Huangs don't make a right." In the campaign finance hearings, in referring to the DNC's compensation of John Huang, Senator Brownback mockingly borrowed from the racist Chinese laundryman stereotype ("no tickee, no washee") in characterizing the arrangement as "no raise money, no make bonus." Incredibly, this degrading comment came after Senator Daniel Akaka (D-Hawaii) in his opening statement pleaded with the Committee and the public not to engage in generalizations and racial stereotypes in the conduct and assessment of the hearings. Such racially offensive remarks are not isolated incidents. Senator Robert Bennett (R-Utah) commented to a witness in the Whitewater investigation, "In my opinion, Mr. Trie's ac-

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tivities are classic activities on the part of an Asian who comes from out of that culture and who embarks on an activity relating to intelligence gathering.” Senator Pete Domenici (R-New Mexico) reportedly remarked, “I don’t believe there’s any Asia bashing... we ought to get on with immunizing these little nuns and monks, so we aren’t worried about discriminating against them.” And Representative Kingston (R-Georgia) has referred to the alleged illegal donations as “only the tip of the egg roll.”

While some would dismiss these remarks as simply jokes in bad taste, it is highly doubtful whether any U.S. Senator would so readily offer similar derogatory references or stereotypes about African Americans, women or Jews in the course of Congressional proceedings or to the national press. These remarks, rather than being isolated bad jokes, speak instead to the depth of disrespect toward Asian Pacific Americans by many in our society and governing institutions. These remarks have significant consequences. As the Commission has noted, “When public figures make racial slurs against Asian Pacific Americans, they lend an aura of legitimacy to the anti-Asian attitudes held by many in the public and indirectly encourage anti-Asian activities.”

E. THE NEWS MEDIA—PERPETUATING THE STEREOTYPES

The racialized media coverage of the campaign finance controversy is emblematic of a long history of “Yellow Peril” journalism that has demonized Asians and Asian Americans in the perception of the public. In the 1996 presidential campaigns, headlines signaled a new angle to the old story of campaign abuses. The headlines had an obvious focus: the “Asian Connection,” “Indogate,” “Asiagate,” “Lippogate,” “Chinagate,” even “Chop Sueygate.” Few if any stories involving Asian Pacific Americans have generated as much prolonged coverage as the campaign finance issue. Thousands of reports, broadcasts, columns and editorials have appeared highlighting Asian Pacific American campaign donations since the story unfolded in September 1996.

Yet at the same time that the media has narrowed its sights on Asian Americans and in many instances given in to racial stereotyping, some elements of the media have warned Asian Pacific Americans from looking too closely at issues of racially biased coverage, characterizing claims of

14. Given the intense media attention devoted to alleged misconduct by Asian Pacific Americans, it comes as a surprise to many that Asian American contributions made up only 2% of the soft money contributions pie.
15. On July 10, 1997 the Washington Post editorial board wrote: “From the earliest days... the idea of “Asian Bashing” has been floated in [Huang’s] defense. This was then and still is a variant on what is otherwise often know [sic] as ‘playing the race card’... shaming those who are pursuing Mr.
racial bias as simply “playing the race card.” Such warnings attempt to eliminate the issue of race from the national debate by foreclosing inquiry into a valid question of the impact of the individuals’ and institutions’ actions. Further, the warnings were unfounded since no national Asian Pacific American group defended John Huang on the basis of racial bias and, in fact, almost every Asian Pacific American group has called for an investigation into political campaign fundraising as a matter of public interest. A new organization, Petitioner Asian Americans for Campaign Finance Reform, has even emerged.

News organizations rightly uphold the principles of journalistic inquiry and many of the media’s stories have been balanced and fair, but it is wrong to label the discussion of race a manufactured issue— as though it is merely a card being played. Even the most worthy journalistic endeavors, while protected by the First Amendment, must be subject to public scrutiny and criticism as to their fairness and accuracy.

A review of the coverage of Asian Pacific Americans in the campaign finance controversy reveals many themes that are explicitly or implicitly racial in nature and effect. These themes fall into the following overlapping categories:

1. The stereotypes of Asian Pacific Americans as “inscrutable” have been revived and used to explain conduct which is assumed to be racially determined.

Asians and Asian Pacific Americans were frequently described in the media as “mysterious” and “strange,” a revival of the “inscrutability” stereotype used to justify unfair and unequal treatment of Asian Pacific Americans since their advent in the U.S. in the mid-1800’s. A sinister intent is also ascribed to descriptions of Asian culture. Many reporters have attempted to explain the Chinese term “guanxi”, the process of building long-term relationships, incorrectly equating guanxi with corruption.

16. For example, Newsweek magazine on July 14, 1997, wrote, “Thompson also plans to lay out the stories of mysterious Asian Pacific Americans who investigators think may have funneled illegal cash...” and broadcasters like CNBC’s Chris Matthews referred to “All these strange characters from Asia” (Hardball, CNBC, July 9, 1997).

17. When Mike Chinoy, CNN’s Asia correspondent has covered China for more than a decade, tried to correct his colleagues at the Freedom Forum Pacific Coast Center on their misuse of that term and other aspects of China, he was accused of “going native.” In an October 21, 1996 column, Safire decried guanxi for “importing an infection into the American political system”—as though the spoils system, the old boys Network, Tammany Hall and campaign finance abuses are not equally American...
2. Asian Pacific Americans who engaged in legitimate activities, such as donating money legally to political parties, are evaluated by standards that have not been applied to any other citizens or communities.

Several news organizations ran photos of Lincoln Bedroom guests—with not a single Asian face among them—yet their story emphasized the Asian influence. Conversely, some publications published stories documenting the many visitors to the Lincoln Bedroom, again none of them Asian Pacific American, but illustrated the piece with photographs of Asian Pacific Americans.

While some outlets have appeared anxious to implicate Asian Pacific American involvement in misdeeds where none occurred, most of the media have raised no alarms about campaign contributions from non-Asian foreign companies. Several news outlets identified foreign companies with U.S. subsidiaries that made large soft money contributions to both the GOP and Democrats; all but two were European, Canadian or Australian. As noted previously, among the top foreign soft money contributors were Joseph E. Seagram & Sons of Canada and the Australian-based News Corp., which owns several U.S. newspapers as well as the Fox news network; contributions from foreign-affiliated corporations in the 1995-96 election cycle far exceeded the contributions in controversy made by Asian Pacific Americans targeted for investigation. Yet few reporters have investigated with any depth influence sought by non-Asian companies or countries. Indeed, the media itself has on occasion noted the irony that “soft money” contributions by corporations (some foreign-owned), while substantial, have attracted little public attention.

While numerous news outlets reported briefly and sporadically on Cuban money; drug money; record-setting money laundering by Thomas devices.

18. For instance, on April 20, 1997, the San Francisco Examiner ran a front page story on major political contributions made by George Chu, described as a “Taiwanese-born UC-Berkeley graduate and naturalized U.S. citizen. The story delved extensively into his sizeable contributions and access to top Democratic leaders as well as his other private financial dealings. While the article noted legal problems Chu had with some of his businesses (e.g. failure to file state tax returns), it contained no evidence or specific allegations of any violations of campaign laws. It is difficult to ascertain the newsworthiness of this feature article other than the fact that Chu was a major political contributor who was Asian Pacific American. In contrast, the news about the record fine assessed by the FEC against Thomas Kramer, a German national, for foreign money laundering was sparsely reported by the press on inside pages. At the Asian American Journalists' Association 1997 convention, Philadelphia Inquirer Reporter Josh Goldstine noted on a panel, that when he attempted to report on the Kramer fine, his editors told him that the campaign finance story was no longer of interest to readers. Petitioners believe that had Kramer been of Asian ancestry, however, the story would have received different treatment.

Kramer; the campaign violations of Dole fund-raiser Simon Fireman, whose $6 million fine far exceeded the total money from Asian Pacific American and suspected Asian sources; and the many White House coffees with banking, tobacco and telecommunications interests and others, media 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.

3. News reports link Asian Pacific Americans alleged to have committed improprieties with other Asian Pacific Americans primarily because of their shared racial background rather than by any significant connection.

Reports have connected Asian Pacific Americans charged with misconduct with other Asian Pacific Americans, creating an impression of shared wrongdoing. For example, the Washington Post published an article about Chancellor Chang-Lin Tien’s alleged connection to Mochtar Riady based on a letter Riady sent to Tien recommending prospective students applying to U.C. Berkeley.20 According to the Post, the “Riady case appears to fit” into a “pattern of favoritism.” Tien only forwarded this letter to the admissions department and did nothing to fulfill Riady’s request, a point not considered newsworthy. Yet this tenuous connection to Riady was employed to create an impression of malfeasance.

Recently, the San Francisco Chronicle published an op ed article written by former Representative Norman Mineta critical of the stereotyping of Asian Pacific Americans by public officials and the media.21 The op ed is supplemented with a picture of John Huang with the caption, “Mineta ‘sees John Huang...as a recent victim of stereotypes.’” Yet Mr. Mineta never mentioned Huang in the article and had prefaced his piece with the statement that “Any suspected violations of campaign finance laws need to be investigated.” Mineta’s critique of racial bias was thus mischaracterized as a defense of John Huang, a classic example of guilt by racial association.

4. Asians who are citizens of a foreign nation and Asian Pacific Americans who are citizens of this country have been grouped together, without any distinctions being drawn between the two types of persons.

Many of the subjects of the investigation are Asian or Asian Pacific American. But accurate reporting that distinguishes between Asian and Asian Pacific American has not been consistent. Making the distinction correctly is not merely an abstract exercise; the consequences of such confusion to Asian Pacific Americans have historically been real, tragic and sometimes deadly. In the context of the campaign controversy, this distinction in NOT a minor detail—donations from Asian Pacific Americans are legal, while those from Asians who are citizens of other countries and thus foreign donors, are not and are subject to prosecution.

For example, Michael Lewis writes in the New York Times Sunday Magazine, “This fear of Asians isn’t all bad. If riding a few Asians out of Washington on a rail helps to generate public support for campaign finance reform, well then, hitch up the ponies, giddyap!” Since the Democratic fund-raisers in question are all Asian Pacific American, this suggestion confuses racial ancestry with political allegiance and represents a threat to all persons of Asian ancestry, citizen or not. Unfortunately, the attitude of riding Asians out of Washington may have real consequences for all Asian Pacific American public servants.

By blurring the differences between Asians and Asian Pacific Americans, the media adds to the perception of all Asian Pacific Americans as foreigners and Asian Pacific American public officials are assumed to have divided loyalties. For example, Matt Fong, California’s State Treasurer, was recently asked by veteran national reporters whether his loyalty is divided between America and China—even though he is a 4th-generation American.

5. Racially offensive remarks made by public figures have been ignored by the media, or dismissed as inconsequential.

Ross Perot’s previously cited comment about “American names” evoked little interest on the part of the media. Similarly, no reporters bothered to cover another of Senator Sam Brownback’s jokes, which had a punchline, “two Huangs don’t make a right,” told at the Washington Press Club during a fundraising function. Although his later slur, “no raise money, no get bonus,” made during the Senate hearings, was reported, coverage was sporadic and treated the remark as simply an isolated incident.

Media directors and news managers are conspicuously silent about the use of racial slurs and stereotyping. Attempts to garner media attention

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23. The imprisonment of 110,000 Americans of Japanese ancestry during World War II was justified, in part, by their presumed ties to Japan. Vincent Chin, a Chinese American, was murdered in 1982 by unemployed auto workers who thought he was a Japanese national.
to these remarks have largely been ignored. Asian Pacific American protests over the March 24, 1997 cover of the National Review, featuring the President and Mrs. Clinton and Vice President Gore with slanted eyes, buck teeth and stereotypical dress, received light coverage, as did the press conferences of former Congressman Norman Mineta and the Rev. Jesse Jackson who sought to caution the press and politicians against such stereotyping and unfair treatment.

6. Although a few media outlets discussed Asian Pacific American viewpoints on occasion, by and large they ignored other important political developments and concerns of Asian Pacific Americans.

During the last national elections, 19 major Asian Pacific American groups—many of the same ones being probed by reporters—undertook a massive voter registration drive resulting in approximately 75,000 new voters. The result was a record turnout for Asian Pacific Americans in 1996—with some surprising voter profile data. Asian Pacific Americans broke stereotypes by voting overwhelming to support affirmative action and candidates who held progressive positions on welfare and immigration. These stories were ignored in favor of the barrage of “news” about Asian Pacific Americans and campaign scandal.

While unquestionably protected by the First Amendment, the media has an ethical responsibility commensurate with its power to shape public perceptions and opinions to report the news fairly, accurately and without racial bias. As this Commission has observed:

the media play a dominant role in shaping the general public’s perceptions and attitudes about members of different races and ethnic groups. Insensitive or unidimensional portrayals of Asian Americans by the media might foster prejudice and promote anti-Asian bias, whereas balanced coverage might dispel long-standing myths and prejudices and build understanding for Asian Americans.24

Regrettably, in too many instances, members of the media have failed to fulfill their ethical obligations in covering the current campaign finance controversy.

III. THE IMPACT ON THE POLITICAL PARTICIPATION OF ASIAN PACIFIC AMERICANS AND IMMIGRANTS

The discrimination directed against Asian Pacific Americans and legal permanent residents alleged in this Petition embodies a classic form of invidious discrimination—subjecting an entire group to unfavorable treat-

ment based on race or alienage without regard or respect for individual distinctions or rights, proceeding instead upon false, class-based assumptions and stereotypes. In the case of impending proposals in Congress and new DNC policies disenfranchising legal permanent residents from political participation, legal permanent residents are unjustly presumed to be likely agents of foreign influence and corruption. The DNC audit was based on as similar premise—Asian Pacific American donors were deemed suspect, worthy of interrogation not based on individualized facts or circumstances, but because of their membership in the Asian Pacific American community.25

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.26 Some potential candidates have expressed a reluctance to run for office.27 Some supporters of Washington gubernatorial candidate Gary Locke, a Chinese American, were deterred from attending a Los Angeles fund-raiser last year because of the controversy.28 Community leaders have noted a reluctance by many in their communities to engage in electoral politics and a dangerous cynicism that the system does not work for them.

That cynicism has been fueled by the widespread perception that Asian Pacific Americans have become persone non grata in Washington. For instance, at the annual banquet of the Congressional Asian Pacific American Caucus Institute ("CAPACI") attended in previous years by President Clinton, neither the President nor any Cabinet level representative of the Administration appeared this year. Asian Pacific American candidates for political appointments who have no connection with the issues or persons involved in the fundraising investigations have found their careers damaged; momentum to appoint the first Asian Pacific American to the President's Cabinet was derailed as a result of the controversy.29

And non-profit groups like the CAPACI and the Organization of Chinese Americans are finding themselves the subject of media and government probes.

The bias against Asian Pacific Americans in the public and the political establishment threatens the remarkable progress Asian Pacific Americans have recently achieved. Asian Pacific Americans had become the fastest growing minority group in 1996 and their political influence has just begun to increase. More Asian Pacific Americans were registered to vote in that year than ever, and Asian Pacific American visibility increased through the successes of candidates such as Gary Locke, the new governor of Washington. But this Commission noted in its 1992 report, bias against Asian Pacific Americans poses a substantial impediment to the political empowerment of Asian Pacific Americans.\(^\text{30}\)

Inaccurate and unbalanced coverage and anti-Asian remarks by public figures have also contributed to a climate of racial misunderstanding and hostility. Individuals like Senator Daniel Akaka (D-HI) who have spoken out publicly against race baiting have become recipients of hate messages. This phenomenon is occurring in an already hostile environment, an environment marked by increasing anti-Asian hate crimes at a time when the overall crime rate has fallen. As noted before, this Commission has previously recognized the relationship between anti-Asian sentiment and hate crimes.\(^\text{31}\)

At community forums, in community newspapers and at conferences and meetings, Asian Pacific Americans are expressing their fears that racially tinged political rhetoric and uninformed reporting will lead to a dangerous national climate. They trace their fears to previous periods in U.S. history when Asian Pacific Americans were subjected to race baiting, stereotyping, and the political expedience of insensitive public leaders during, for example, World War II, the McCarthy Red-baiting years and the Japan-bashings of the 1980’s, all periods in which anti-Asian sentiment intensified, causing real and serious injustices to Asian Pacific Americans.

IV. THE NEED FOR A FULL HEARING BY THE COMMISSION

The United States Commission on Civil Rights is empowered to study and collect information relating to discrimination or denials of equal protection. As such, it is well situated to hear the issues raised by Petitioners,
who have alleged a pervasive, institutional and disturbing pattern of discrimina-
tion, a pattern which threatens the First Amendment and equal protection rights of Asian Pacific Americans and immigrants in general and undermines the purposes and policies of federal civil rights and voting rights laws. As noted above, this Commission has conducted investigations and hearings and issued reports related to the civil rights problems confronting the Asian Pacific American community; problems exacerbated by the stereotyping of Asian Pacific Americans as foreigners, Asia-bashing and racial slurs by public figures, and racially biased and unbalanced coverage by the media. Thus, by its legal authority and its historical precedents, this Commission is perfectly suited to address the serious issue raised in this Petition.

As stated in the Introduction, what is at stake in the issues raised in this Petition is more than the unfair treatment of one minority group and more than the scope of the First Amendment’s safeguards. What is at stake is the protection of any unpopular, discrete and vulnerable group of Americans which raise issues about fundamental questions about equal protection, fairness, and the quality of our democracy. The scope and depth of the issues raised require a full hearing and report to educate this nation about the inaccurate assumptions and stereotypes perpetuated about Asian Pacific Americans and legal permanent residents; the impact upon and injury to Asian Pacific American and immigrant communities both politically and socially from this conduct; and the need to hold institutions and public officials accountable for their irresponsible actions. With such a full hearing and investigation into the impact upon the Asian Pacific American community, Petitioners believe this Commission can contribute to educating the American public. In so doing, it will help healing the racial divide which still besets our Nation.

THEREFORE, the Petitioners respectfully request the United States Commission on Civil Rights to exercise its authority to hold full hearings on the allegations related to discrimination and denial of equal protection by government institutions and public officials and the media coverage of such actions. Additionally, Petitioners request a full hearing and investigation into the impact of these actions upon Asian Pacific Americans, all immigrants, and the Nation as a whole, and to report on its findings and recommendations.

32. See e.g. 42 U.S.C. Section 1981(a) (providing all persons shall have the same right to “the full and equal benefit of all laws”); 42 U.S.C. Section 1985(3) (prohibiting conspiracies to deprive any person or class or persons “equal protection of the laws, or of equal privileges and immunities under the laws”); 42 U.S.C. Section 1971(b) (prohibiting intimidation, threats, or coercion for the purpose of interfering with the right to vote); 42 U.S.C. Section 1973gg (declaring the duty of the Federal, State, and local government to promote the exercise of the fundamental right to vote and stating the purpose of the National Voter Registration Act of increasing voter registration).
Dated: September 10, 1997

Respectfully submitted,

By

EDWARD M. CHEN
DALE MINAMI
Attorney for Petitioners
APPENDIX 1

LIST OF PETITIONERS

NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM

Headquartered in Washington, D.C., the mission of the National Asian Pacific American Legal Consortium is to protect and advance the legal and civil rights of the Nation’s Asian Pacific Americans. We work toward this mission through litigation, advocacy, public education and public policy. The Consortium is affiliated with the Asian Pacific American Legal Center in Los Angeles, the Asian American Legal Defense and Education Fund in New York, and the Asian Law Caucus in San Francisco. We focus our work in the areas of anti-Asian violence, immigration, naturalization, affirmative action, voting rights, language rights, and census issues.

ORGANIZATION OF CHINESE AMERICANS

The Organization of Chinese Americans is a non-profit civil rights organization with over 42 chapters, 27 college affiliates and representing over 10,000 members. Its activities include monitoring legislation pertaining to the Asian American community.

ASIAN PACIFIC AMERICAN LABOR ALLIANCE

The Asian Pacific American Labor Alliance is a non-profit organization dedicated to promoting the interests of Asian Pacific American workers and labor interests.

JAPANESE AMERICAN CITIZENS LEAGUE

The JACL is a non-profit, non-partisan organization founded in 1929 to fight discrimination against people of Japanese ancestry. JACL articulates its mission through programs of citizenship, leadership, education, advocacy, and redress. With 112 Chapters in 26 states and Japan and over 23,000 members, JACL is the largest and one of the oldest Asian American organizations in the United States.

KOREAN AMERICAN COALITION

The Korean American Coalition (KAC), incorporated as a non-profit organization in 1983, advocates the interests of the Korean American community which represents over one million people currently in the United States. As recent immigrants and part of an ethnic minority group, Korean Americans face many obstacles to full participation because of racial discrimination and violence, biased media coverage, lack of appropriate government services and unresponsive political representation. KAC as a bilingual, non-partisan, membership organization dedicated to educate, organize and empower the community on civic, legislative, and political issues.

PHILIPPINE AMERICAN FOUNDATION

The Philippine American Foundation supports grassroots rural development in order to alleviate poverty. PAF supports programs, organizations, and individuals to develop self-reliance, responsibility and account-
ability. Whenever possible, PAF fosters programs through cooperation and partnership among existing Philippine, American, and international voluntary development agencies, associations of voluntary agencies, and support institutions.

Asian Pacific American Legal Center

The Asian Pacific American Legal Center (APALC) is a non-profit community interest law organization dedicated to serving the legal needs of the Asian Pacific American community in Southern California.

Chinese American Citizens Alliance

The Chinese American Citizens Alliance is a non-partisan, non-profit organization and one of the oldest Asian Pacific American civil rights groups in the country. With chapters around the United States, it seeks to promote and protect the interests of Chinese Americans.

Asian Americans for Campaign Finance Reform

The Asian Americans for Campaign Finance Reform was formed in the aftermath of the campaign scandals of the 1994 election. It has called for a vigorous investigation of the wrongdoings of all persons involved and has advocated for major campaign reform to eliminate or reduce the influence of money in the electoral process.

National Asian Pacific American Bar Association

The National Asian Pacific American Bar Association (NAPABA) is a national, non-partisan professional organization dedicated to the concerns of the 10,000 Asian Pacific American attorneys, judges and law students throughout the country. NAPABA has 35 chapters nation-wide and is at the forefront of national and local activities promoting the diversity of the Federal and State judiciaries, sponsoring legislative reforms, and advancing professional opportunities for its members.

India Abroad Center for Political Awareness

The India Abroad Center for Political Awareness is a non-profit, non-partisan educational organization dedicated to improving the political effectiveness of the Indian American community. Their mission is to improve public understanding of the impacts of public policy on the Indian American community and to engage the Indian American community in to effective political participation.

National Korean American Service & Education Consortium, Inc.

The National Korean American Service & Education Consortium, Inc. (NAKASEC) is a national organization founded by 5 Korean American community organizations located in major cities across the United States. NAKASEC seeks to enhance the lives of Korean Americans by education, encouraging civic and political participation, advocacy for the civil rights of Korean Americans, preservation and promotion of the cultural heritage of Korean Americans, Promotion of dialogue with other communities and the provision of social services.
ASIAN PACIFIC ISLANDER AMERICAN HEALTH FORUM

The Asian & Pacific Islander American Health Forum is a national advocacy organization dedicated to promoting policy, program and research efforts for the improvement of health status of all Asian and Pacific Islander Americans. We do this through policy analysis, research, information dissemination, and community capacity building activities to assure that the health and welfare needs of Asian Pacific Islanders throughout the United States will be addressed.

COMMITTEE OF 100

The Committee of 100 is a national organization composed of 100 prominent Chinese Americans and serves as a national Chinese American leadership resource.

DR. SUZANNE AHN

Dr. Suzanne Ahn was born in Korea, moved to the U.S. at age 7 where she became a U.S. citizen. She grew up in Arkansas and west Texas, received her undergraduate degree at the University of Texas, Austin and her medical degree at the University of Texas Southwestern Medical School in Dallas. She is a practicing Neurologist in Dallas. Dr. Ahn has contributed to Democratic candidates and causes for some 20 years. She is a former trustee of the Democratic Senatorial Campaign Committee, president of the American Medical Women’s Association, Dallas branch, a former member of the Texas State Board of Medical Examiners and a former member of the Texas Air Quality Control Board. In addition, she has served on boards of 18 charitable and professional organizations, including the Texas Women’s Foundation, Dallas Historical Society, International Women’s Forum, Center for Holocaust Studies, Family Guidance Center, YWCA, Friends of Human Nutrition, Dallas County Mental Health Association, and the Dallas Women’s Center.

ANTHONY CHING

Born in China, Mr. Ching moved to the U.S. as a child and became a United States citizen in his early teens. He grew up in Monterey, California and received his undergraduate degree at San Jose State University and his law degree at the University of Pennsylvania. Mr. Ching has been active in local, state and national bar associations. He serves on the Executive Committee of the International Law section of the California State Bar and is a Vice-Chair of several environmental committees of ABA, served as past Treasurer of the California State Bar Litigation Section. He is currently a Commissioner of the Los Angeles Commission for Public Social Services. Mr. Ching has donated money to specific candidates from both the Democratic and Republican parties. He was formerly a partner at several major national law firms and is currently the General Counsel to a computer semiconductor company.

CHARLES WOO

Currently a resident of Palos Verdes, near Los Angeles, Mr. Woo
was born in Hong Kong but has lived in the U.S. for 29 years, the last 18 years as a U.S. citizen. Majoring in physics, Mr. Woo graduated summa cum laude from UCLA and later also received a M.S. degree there. In 1979, he interrupted his work toward a Ph.D. to help start a family business importing and exporting toys. In 1988, he founded Megatoys, named one of Los Angeles' one hundred fastest growing businesses in 1995 by the Los Angeles Business Journal. In 1996 he received the World Trade Hall of Fame Award by the Greater Los Angeles World Trade Center Association. Mr. Woo is President and a founding board member of the Toy Association of Southern California. He serves or has served on the Executive Board of the Los Angeles Area Chamber of Commerce, the city's Private Industry Council, the Advisory Council of Progress LA, the Los Angeles Opportunity Industrialization Center, the Los Angeles Boys and Girls Club, Asian Rehabilitation Services. He is the recipient of many awards including the Los Angeles Downtown Breakfast Club's Rose Award, the Community Service Award of the Law Enforcement Association of Asian Pacific, a "Neighborhood Hero" award and Citizen Volunteer of the Year Award of the Los Angeles Police Department Central Division. Prior to donating to the DNC, he had contributed to numerous candidates of his choice belonging to both parties.

LILY CHEN

Lily Lee Chen immigrated from Taiwan in 1955. She was a member of the City Council of Monterey Park, California and in 1983, she became the first Chinese American Mayor in the United States. From 1987 to 1991, she was a Commissioner of the California State World Trade Commission. She has received Presidential appointments to the Council on Adult Education and the Committee of the Rights and Responsibilities of Women. Ms. Chen has been a longstanding leader in the Asian Pacific American community.