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Civil Rights and Asian Americans

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Asian American community composed of no less than 20 different ethnic groups is one of the most diverse and complex minority groups in the nation. This article examines the civil rights perspective on Asian Americans through a historical account of major Asian immigrant groups who have experienced and are confronting institutionalized discrimination and violence; and analyzes contemporary civil rights issues affecting Asian Americans in the areas of public and higher education, the work place, and voting rights.

Introduction

The question of civil rights and Asian Americans is best set in the perspective of a history of discrimination that has existed since the mid-nineteenth century, when first the Chinese, then other Asian groups were confronted with xenophobic violence and decades-long exclusion from free immigration into the U.S. More recently, Asians continue to be the victims of bigotry and violence, from the racist killing of Vincent Chin in Detroit, to the KKK harassment of Vietnamese on the Gulf Coast. Contemporary civil rights for Asian Americans also concerns the issues of barriers towards access to public and higher education, discrimination in the workplace, and voting rights.

We will examine the civil rights perspective on Asian Americans first through a historical account of how Asians were made

unwelcome, ill-treated, and kept out of the country by exclusionary immigration laws. Then we will turn to contemporary civil rights issues. The question of access to education will be examined through both: (a) consideration of primary and secondary school issues such as bilingual education and racial/ethnic violence; (b) Asian student access to higher education; and (c) the question of diversity and multiculturalism in higher education. Discrimination in the workplace will be mainly investigated through an analysis of the "glass ceiling", and Asian American voting rights will be examined through a consideration of multilingual balloting and political districting.

History

For almost a century, Asians were exposed to both public and institutional oppression and some even lynched by mob action. But they endured in the face of tremendous odds and demonstrated steadfastness in their loyalty to the United States. A brief account of the major Asian immigrant groups and their experiences is given below highlighting institutionalized discrimination and violence against Asian Americans and contemporary civil rights issues affecting them.

The Chinese

The Chinese were the first to immigrate in thousands to the U.S.A. although they were not the first Asians to enter America. Nearly 300,000 Chinese came to U.S.A. during the 19th Century. Besides, 50,000 went to work on American-owned Hawaiian plantations during the 1840s. Most Chinese, like many Europeans during that period, were sojourners who returned home. The rest who stayed in the country worked to support families left behind. The single Chinese men seldom married since laws barred them from marrying White women and the few Chinese women brought to America were mostly prostitutes. Thus Chinese in America were principally bachelors until post World War II, resulting in the scarcity of those whose descendants can be traced to more than three generations (Karnow and Yoshihara, 1992).

With the onset of the gold rush following the discovery of gold in 1848, prospectors to California from around the world

arrived in great numbers. Twenty thousand of these were the Chinese who came under the auspices of Chinese labor contractors, borrowing to pay their passage in order to seek gold in *Gam Saan* or "Gold Mountain", the Cantonese term for California. As gold extraction came to an end, they moved on to help build the Transcontinental-Central Pacific Railroad in the 1860s, over the Sierra Nevada mountains, which took a toll of more than 1,000 lives but earned them little gratitude (Karnow and Yoshihara, 1992).

Organized attempts to restrict the movement of the Chinese and their occupational pursuits led to the enactment of various laws, chiefly in California. For instance, in 1855, California passed a law requiring \$55 tax on every Chinese immigrant, and in 1858 a law was enacted to forbid Chinese from entering the state (McKenzie, 1928). These laws were ruled unconstitutional by the Supreme Court of the U.S. in 1876 [*Chy Lung vs. Freeman*, 92U.S. 275 (1875)]. Also negative stereotypes about the Chinese and their personal habits were spread in the print media. In the midst of economic depression of the 1870s, and as the Chinese strove to enter other areas of employment, national resentment of Chinese immigrants rapidly developed, led by labor and political leaders and newspapers who accused them of pushing wages down, depriving jobs away from the majority White community and for the country's economic plight. The mounting pressure against the Chinese led to the passage of the Chinese Exclusion Act of 1882. The legislation suspended the immigration of all Chinese laborers for 10 years and denied them the right to apply for citizenship following the effective date of the Act. A subsequent 1888 amendment exempted the application of exclusion clause to Chinese officials, merchants, students, teachers, and tourists. Though there was expression of serious concern over the harshness of continuing exclusion, the Chinese Exclusion Act was extended for ten (10) years in 1892, for two (2) years in 1902 and indefinitely in 1904 (U.S. Commission on Civil Rights, 1980). President Theodore Roosevelt fully endorsed the Chinese Exclusion Act and its amendments, stating that the Chinese laborer must be barred from the country permanently (Roosevelt, 1905).

The Japanese

The Japanese started arriving in the late 1890s and experienced discrimination, prejudice, and hostility soon after their arrival. They were accused of taking away jobs from U.S. citizens and working for low wages as domestic and factory workers. Most of the leaders of the anti-Japanese movement were also actively involved in the Chinese exclusion movement and used similar criticisms of Japanese immigrants. Resentment against the Japanese increased in great force and pressure mounted for a national policy to restrict Japanese immigration. In lieu of enacting restrictive legislation, the U.S. and Japan concluded the Gentleman's Agreement of 1907, whereby Japan agreed not to issue passports to laborers except for those previously residing in the U.S. or to wives or children under 21 years of age of these workers. With the admission of female immigrants, the agreement enabled the formation of families in the U.S. and thereby contributing to increasing the number of Japanese persons. The subsequent passage of the 1917 Immigration Act and The 1924 National Origins Act virtually stopped immigration of Japanese as well as others from Asia. By the time of the second World War, persons of Asian descent living in the U.S. were either born or had been residing in the U.S. for many years. Yet, they were subject to suspicion, mistrust and for the Japanese loss of freedom (Daniels, 1971).

With the U.S. declaration of war against Japan, following its attack on the American naval base at Pearl Harbour, President Franklin Roosevelt signed Executive Order 9066 which authorized the War Department and designated military commands to prescribe military areas from which any or all persons may be excluded and to provide the excluded persons transportation, food, shelter and other accommodations. This resulted in the removal of approximately 90% of Japanese-Americans from the West Coast to relocation camps in Arizona, Arkansas, California, Colorado, Idaho, Utah and Wyoming. Though the U.S. government asserted that the relocation camps were humane and utilized for the purpose of national security, the Japanese internees considered the relocation camps to be concentration camps (Kitano, 1971). The relocated internees were forced to sell their property and businesses

at rock-bottom prices. It was obvious that the implementation of the Executive Order 9066 was based on race, as the German and Italian-Americans, whose countries of origin were fighting the United States, viz. Germany and Italy did not receive like treatment (Commission on Wartime Relocation and Internment of Civilians, 1982).

The question of the dispersal of the internees after the camps closed received wide attention leading to President Franklin Roosevelt's memo of June, 1944 to the Secretary of the Interior urging a gradual dispersal of internees to the various parts of the country. The War Relocation Authority focused on resettling Japanese-Americans in the Midwest and East, but many of the detainees returned to the West Coast.

The losses incurred by the Japanese-Americans including personal wealth and properties were estimated to be between \$185 million and \$400 million. In 1948 Congress passed the Japanese-American Evacuation claims Act that prescribed a maximum of \$2,500 to be paid to an individual Japanese detainee as compensation for the damage suffered as a result of evacuation or exclusion. Seventeen (17) years elapsed before the federal government completed the processing and payment of all claims for damages which amounted to \$38 million of the total claim of \$131 million based on 1942 dollar value without interest.

In 1980 Congress established the Wartime Relocation and Internment Commission to examine the facts related to the detention of American citizens and permanent resident aliens of Japanese ancestry and to recommend appropriate remedies. The Commission noted that the Japanese-Americans suffered the injury of unjustified stigma that marked the excluded and observed that no amount of money can adequately compensate the excluded people for their losses and sufferings. In 1983 the Commission recommended that the federal government *inter alia* offer an official apology and pardon for persons committed of violating the Executive Order 9066 and establish a \$1.5 billion fund, for reparations and educational purposes, from which a per capita payment of \$20,000 for each of the approximately 60,000 survivors would be made.

The 1940s conviction of three Japanese-Americans, Fred Korematsu, Minoru Yasui, and Gordon Hirabayoshi during World

War II for the violation of military orders restricting the movement of Japanese-Americans and the subsequent erasure of their conviction in 1980s arising out of their petitions for writ of error *Coram Nobis* to correct errors of fundamental injustice, were landmark cases in the struggle for Asian American civil rights. The process engaged in winning the cases highlighted the imperative need for oppressed groups to fight for civil rights and not rely upon the government to provide or protect civil rights, especially in times of crisis and to engage in coalition with allied groups to help enforcement of civil rights and assume a reciprocal obligation (Minami, 1989).

Filipinos and Koreans

The Filipinos and Koreans came to the U.S. later and in smaller numbers than the Chinese and Japanese. Most Filipinos who came to the U.S. before the 1920s were students, domestics, and unskilled laborers. They were exempted from the exclusionary provisions of the 1917 Immigration Act and The 1924 National Origins Act as the Philippine Islands were at the time a territory of the United States. This exemption enabled Filipinos to immigrate to the United States freely, most of them working on sugar plantations in Hawaii, and about 6,000 Filipinos living in the continental U.S. (Knoll, 1982).

After the passage of The National Origins Act in 1924, there was pressure to recruit Filipinos as laborers on the West Coast, and about 24,000 Filipinos came to California. As their numbers increased, anti-Filipino sentiment gathered momentum and race riots broke out between Filipinos and Whites in 1929 and 1930 (Kitano, 1980). In 1934 U.S. Congress passed legislation postponing independence to the Philippines and imposed an immediate annual immigration quota of 50 persons per year (U.S. 48 Stat. 456, 1934). The Act was passed on the basis of U.S. perception that Filipinos represented "yet another Asian horde" migrating to the U.S.

Korean immigration to the U.S. commenced in the early 20th Century and was limited chiefly to Hawaii, similar to that of Filipinos. Approximately 7,000 Koreans migrated to Hawaii between 1903 and 1905 due to political chaos and poverty in Korea, seeking better working and living conditions in the U.S. Later

approximately 1,000 Koreans moved to California in 1905. In that year the Korean government banned all immigration after learning of miserable living and working conditions in other countries and under pressure from Japan which then occupied Korea. This ban virtually resulted in the stopping of Korean immigration to the U.S. until later years (Choy, 1979).

Naturalization and Immigration Laws

The discriminatory immigration laws were slowly chipped away by the U.S. Congress starting in 1943 when the Chinese Exclusion Act was repealed, setting an annual quota of 105 Chinese immigrants to the United States according to the provisions of The National Origins Act. The Act also allowed Chinese immigrants to become naturalized citizens. In 1952 the McCarran-Walter Act, the Immigration and Nationality Act superseded all previous laws and unified them under a single piece of legislation establishing three principles for immigration policy viz. (1) the reunification of families; (2) the protection of domestic labor force; and (3) the immigration of persons with needed skills. This Act permitted the naturalized citizenship of any person regardless of race, thus enabling immigrants from Japan, Korea and other parts of Asia eligible for citizenship for the first time (U.S. 66 Stat. 163, Section 311, 1952). It also repealed the outright exclusion of immigrants from Asia although the national origins system continued to discriminate against these groups. This system provided that the number of immigrants from a particular country could not exceed a certain percentage of persons from the country already living in the United States. Because of early exclusion of Asians, the national origins system continued to discriminate against Asians who wished to immigrate to the U.S. For example, only 105 Chinese, 185 Japanese and 100 Koreans were allowed to immigrate each year (U.S. Congress, H.R. Committee on the Judiciary, 82nd Congress, 1952). One of the most oppressive aspects of the bill as it related to Asians was the requirement that a person who was at least one-half Asian, regardless of the place of birth, be counted against the quota of the Asian country, although such a requirement did not apply to immigrants from other countries or of other geographic origins (U.S. 66 Stat. 163, Section 202, 1952).

In 1965 the Congress amended The 1952 Immigration and Nationality Act abolishing the national origins system setting an annual quota of 170,000 immigrants from the Eastern Hemisphere, with no more than 20,000 from any one country (Public Law No. 89-236, 1965).

The 1965 Act based immigration on a "first come, first admitted" basis without regard to country of origin, subject only to overall limits in seven broad categories of preference, based primarily on relationship to citizens or permanent resident aliens in the U.S. or on potential contributions of applicants to American society.

Between 1966 and 1983 a million and a half people immigrated from China, Taiwan, Japan, Hong Kong, Korea, and the Philippine Islands as a result of the abolition of the national origins system and the establishment of higher quotas of immigrants from Asia.

The 1965 amendments allowed for the conditional entry of 10,200 refugees per year under the seventh preference category. In 1975, however, it was evident greater numbers of Indochinese, with the defeat of South Vietnam, would need asylum in other countries. During 1975 itself, 130,000 Vietnamese, Laotian, and Cambodians came to the United States. Responding to the continued arrival of refugees from Indochina, the Congress passed the Refugee Act of 1980 which "provided a permanent and systematic procedure for the admission to the country of refugees of special humanitarian concern to the U.S. and to provide comprehensive and uniform provisions for effective resettlement and absorption of those refugees who are admitted" (Public Law No. 96-212). The Act established the maximum number of refugees at 50,000 for each fiscal year, unless the President notifies the Congress that additional refugees should be admitted for humanitarian reasons. During fiscal year 1992, nearly 51,913 persons from Vietnam and Laos had been admitted under the provisions of the Refugee Act.

Contemporary Civil Rights Issues and Asian-Americans

Asian Americans are an extremely diverse segment of the minority U.S. population. There are variations within each major ethnic group, viz. Japanese, Chinese, Filipino, Korean and Indian in terms of socioeconomic class, number of generations in this country, as well as the degree of assimilation and acculturation.

The ethnic and cultural distinctiveness of the diverse groups has aided to preserve our indigenous strengths. The dominant society, however, has blanketed Asian Americans as one monolithic group, for administrative purposes and for distribution of benefits and services. Affirmative Action programs, for example, count Asians and Pacific Islanders in one category. It is imperative that we draw attention to the diversity among Asian Americans and identify culturally sensitive services that are necessary within our ethnic communities. In this country, we have been victimized by the social system and this has brought us together. While on the one hand, we appreciate our diversity, on the other, we recognize that united we can be enabled to influence policy impact on our communities.

The general perception of the dominant community is that we are foreign due to our racial distinctiveness, regardless of how long or how many generations we have lived in this country. As the dominant society feels insecure and anxious about its standing in the global arena, it is ready to scapegoat groups that are foreign in times of economic and political uncertainty.

Asian Americans still face extensive prejudice, discrimination, and denials of equal opportunity, contrary to the popular perception that they have overcome discriminatory barriers. Additionally, many Asian Americans, particularly those who are immigrants and Southeast Asian refugees are deprived of equal access to public services, including police protection, education, healthcare and the judicial system (U.S. Commission on Civil Rights, 1992).

Various factors affect the civil rights problems, currently facing Asian Americans. Chief among them, are the general public stereotypes of the Asian Americans that foster prejudice against them and deprive them of their individuality and humanity. The "model minority" stereotype that portrays Asian Americans as an exceptionally successful minority group has led federal, state, and local agencies to overlook and sometimes ignore the problems encountered by Asian Americans and has often caused resentment of Asian Americans in the external communities. The cultural and language barriers of many immigrant Asian Americans prevent them from gaining equal access to public services and from participating fully in the political process. The governments

at the local, national, and state levels and public school system have failed to meet the needs of immigrant Asian Americans such as the provision of interpretive services to help the immigrants with limited English language proficiency in their dealings with public and private service agencies and culturally appropriate healthcare, and bilingual/English as a second language education. Another equally important factor contributing to the Asian American civil rights problems is a lack of political representation and know-how to use the political process effectively, in addition to the fact they are ineligible to vote until they become citizens. As the Asian Americans do not yet wield sufficient political clout, the needs and concerns of Asian Americans fail to receive active consideration on the policy agenda of the nation.

The bigotry and violence against Asian Americans continues to be a serious national problem. The incidents of hate crimes include the cruel ethno-violent murders of Vincent Chin, Jim Loo, Navroze Mody and Hung Truong, the recent massacre of Southeast Asian school children in Sacramento, California, assaults on Asian American homes and places of worship; racially motivated boycotts against Asian-owned businesses, racial harassment of Asian Americans on college campuses, etc. (U.S. Commission on Civil Rights, 1986).

Racial prejudice; misplaced anger caused by economic competition or war with Asian countries; resentment of the real or perceived success of Asian Americans; and a lack of understanding of the histories, customs, and religions of Asian Americans have played a major role in precipitating incidents of bigotry and violence. The media have contributed to prejudice by promoting especially the model minority stereotype, by sometimes highlighting the criminal activities of Asian gangs, and by failing to furnish the in-depth and balanced coverage that would help the public to understand the ethnically diverse Asian American population. Further, the media give little attention to hate crimes against Asian Americans, thereby impeding the formation of a national sense of outrage about bigotry and violence against Asian Americans, an essential ingredient for positive social change. Educational institutions contribute to the problem by not teaching students about multiculturalism and the histories, cultures, and contributions of Asian Americans. Political leaders contribute to

the problem when they severely attack Japan as the cause of U.S. economic difficulties. More important, government and political leaders have yet to assign a national priority to prevent and condemn violent crimes and prejudice against Asian Americans (U.S. Commission on Civil Rights, 1992).

Civil Rights and Education

In examining the civil rights issues affecting Asian Americans in the educational arena, it is useful to distinguish between primary/secondary education and higher education policy. In the public school arena, the main issues have been matters of legal protection for limited-English proficient (LEP) students and interethnic tension among students. In higher education, the growth of Asian American Studies programs, university-wide curricular reform, faculty diversity, and admissions policy towards Asian American applicants are the major concerns. In the workplace, the "glass ceiling," which hampers the ability of Asian Americans to progress into executive and managerial positions in the labor market, is the main issue. Finally, in the area of voting rights, multilingual balloting, jurisdictional reapportionment, and Asian American political representation are the leading issues.

Bilingual Education

The civil rights issue confronting LEP students in primary and secondary schools fundamentally relates to the question of whether special programs are necessary to provide students with equal educational opportunities. In 1970, parents of twelve Chinese American students raised a class action suit against the San Francisco Unified School District because they felt that school officials were not devoting sufficient attention to the special needs of their LEP children. After defeats in two lower courts, the plaintiffs won a unanimous decision in 1974 at the U.S. Supreme Court. In *Lau vs. Nichols*, it was found that the school district had violated Title VI of the Civil Rights Act of 1964 by not taking affirmative steps to provide special English-language instruction, since "there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from

any meaningful education." (Kiang and Lee, 1993; U.S. Commission on Civil Rights, 1992).

Funding for these special programs was available through Title VII of the Elementary and Secondary Education Act of 1968 (otherwise known as the Bilingual Education Act), which designated government money, but did not officially mandate the creation of bilingual education programs. Many states responded to the 1974 *Lau* decision with special legislation; by 1983, twelve states had passed their own laws permitting bilingual education programs and twelve more states had laws *mandating* bilingual education (Fuchs, 1990). Some localities were still unresponsive, however, prompting continuing legal challenges by Asian American communities. In 1988, a contingent of Asian American parents represented by the Education Law Center, a public interest law firm, reached an out-of-court settlement after over two years of litigation with the Philadelphia School District, which agreed to immediately implement, under court supervision, bilingual programs for thousands of Southeast Asian LEP students. Southeast Asians joined with Hispanic plaintiffs in another successful lawsuit in 1987 in Massachusetts, against the Lowell School Committee (U.S. Commission on Civil Rights, 1992).

Bilingual education programs mainly serve Hispanic LEP students, but Asian immigrant children proportions (especially Southeast Asian) reach high proportions in some localities. In San Francisco public schools, for instance, Asian Pacific Americans represent 31% of the total student body. Asians comprise some 20% of students in Long Beach (where Cambodians are the majority) and Fresno, California (where Hmong are the majority). The city of Lowell, Massachusetts is the second largest (following Long Beach) Cambodian community in the country (Kiang and Lee, 1993).

Improving student performance also depends on parental involvement, but the participation of many Asian American parents is also complicated by limited-English proficiency. School boards may assist in this effort through culturally-sensitive outreach and parent/school partnerships, but parent empowerment also depends upon organizing and advocacy within the Asian American community itself. This kind of empowerment is gradually being achieved nationwide as Asian Americans run for election in school districts (Kiang and Lee, 1993).

Racial Tension in Public Schools

Interethnic tension in public schools affects Asian American students in the form of anti-Asian prejudice and parody, and in the worst cases, violence. Physical harassment and assaults have been reported in New York City Schools, anti-Asian tension in the San Diego and Houston school system, and interethnic tension in the Houston school system (U.S. Commission on Civil Rights, 1992).

Racist killings of Asian American students include those of Vandy Phornng, a 13-year-old Cambodian boy from Lowell, Massachusetts, Thong Hy Huynh, a 17-year-old Vietnamese high school student in Davis, California. Perhaps the most horrifying killing was in January 1989 at Cleveland Elementary School in Stockton, California. Five Southeast Asian students were killed and 30 more wounded when Patrick Purdy fired over one hundred rounds with an automatic assault rifle into the school yard, then killed himself. An investigation by the California Attorney General found Purdy was not acting out of random violence, but in fact attacked out of a strong sense of racial resentment and hatred (Kiang and Lee, 1993).

Higher Education 1: Asian American Studies

Asian American involvement in the issue of civil rights in higher education began with the 1968 student strike at San Francisco State College (now San Francisco State University-SFSU). Asian American and Latino students formed a Third World Liberation Front to support black students, who had long sought a Black Studies Department and more minority admissions. The student strike was prompted by anti-war sentiment at the height of the Vietnam War (which was seen partially as an anti-Asian neo-imperialist intervention), and the firing of an African American English instructor, George Murray (who raised controversy because of his criticism of college policies and his membership in the Black Panther Party). The four month strike eventually led to the establishment of the nation's first School of Ethnic Studies. The success of the strike sparked similar action at the neighboring University of California, Berkeley, which now has the nation's only Ph.D. program in Ethnic Studies. Worried about similar action, the chancellor at the University of California, Los Angeles (UCLA),

independently created research centers of Black, Chicano, Asian American, and Native American studies on his campus.

Student strikes and administrative action spread in the 1970s to other U.S. colleges and universities. Particularly dramatic was a 1971 occupation of the Asian Studies building at City College of New York (CCNY), which led to the creation of an Asian American Studies (AAS) program within Asian Studies. A sympathetic trustee initiated administrative action to set up an AAS program at Cornell University in 1987. An Asian American Research Center was created at Queens College of the City University of New York, in response to the rapid growth of Asian immigrant population in that borough.

Early AAS programs had a strong activist focus which translated into community action in neighboring low-income Asian American neighborhoods. The CCNY program received foundation grants to work with artists, historical documentation, and community health, housing and social service programs in Chinatown. Similar community orientations were strong at SFSU and UCLA. This community activism focus began to decline, however, in the 1970s for a variety of reasons, including budgetary retrenchment (especially at CCNY), ideological factionalism (especially at Berkeley) and a growing interest in improving academic recognition among AAS faculty.

In the late 1970s, however, growing enrollments of a new generation of Asian American students U.S. colleges and universities, including many of the most elite institutions, brought new momentum to the Asian American movement in higher education. As community activism has receded in emphasis and AAS programs have become more institutionalized, these students have sought to defend and promote AAS as a means of achieving *social change within the academy itself*. They continue to see AAS as a way of promoting group history and culture and strengthening identity and pride, in confronting institutional racism (Wei, 1992). New initiatives, however, include efforts towards more sophisticated linking of AAS with other Ethnic Studies departments, and linking with broader efforts at campus-wide curricular reform, chiefly through campaigning to make these new "multicultural curricula" part of the general education requirements in the college-wide core curricula. These efforts are closely connected

with faculty diversity campaigns, since promoting diversity in the core curriculum usually demands the recruitment of new ethnic faculty who have an interest in teaching these subject areas.

These new efforts at curricular reform have met with varying degrees of support and opposition at campuses around the nation. Many of the battles have taken place at the most prestigious colleges and universities, where Asian American student enrollments have continued to rise dramatically through the 1970s and 1980s. As enrollments increased, the issue of admissions policy itself emerged as perhaps the most dramatic civil rights controversy affecting Asian Americans in the 1980s.

Higher Education 2: Admissions Policy

In the mid-1980s, accusations of institutional discrimination against Asian Americans in higher education admissions policy were raised at some of the most elite universities in the nation, beginning at the University of California at Berkeley, and carrying on into Stanford, Harvard, Brown, Yale, and the University of California at Los Angeles (UCLA). The common pattern detected at these institutions was that though applications from Asian American students were continuing to rise, the rate of admissions of Asian Americans had begun to fall. This was similar to the experience of Jewish Americans in the 1920s at places like Harvard, Yale, and Columbia University. Rapidly rising proportions of Jewish Americans at these schools led administrators to limit enrollments through thinly masked devices; Yale employed a system of alumni preference, Columbia used psychological testing, and Harvard implemented regional diversity quotas, since Jewish applications were predominantly from the northeast (Woo, 1993).

Charges that discriminatory quotas or "ceilings" were being placed on Asian American admissions began initially at Brown University in 1983, where the Asian American Students Association found that whereas Asian American applications had increased nearly nine-fold in the previous 8 years, admissions had only increased twofold. That same year, the East Coast Asian Student Union (ECASU) released a study which uncovered similar trends at 25 East Coast schools, and concluded that the high rejection rate of otherwise highly-qualified Asian American applicants was "the result of low personal ratings by admissions officers who

considered that Asian American students were overrepresented and presumed that they had narrow career interests and passive personality" (U.S. Commission on Civil Rights, 1992). In 1984, an examination of enrollment data at UC-Berkeley found a dramatic decrease of 21% (231 students) in the admission level of Asian Americans between 1983 and 1984 (Wei, 1992). An Asian American Task Force was quickly formed to more closely study this situation. Similar studies began at many of the nation's top colleges and universities. Universities were compelled to launch in-house investigations, state governments conducted studies, and finally federal investigations by the Office of Civil Rights in the U.S. Department of Education, of admissions policies at Harvard and UCLA.

National media, including the *New York Times* and the *Washington Post*, which had only recently been focussing their reporting on the "model minority" phenomenon of exceptional educational attainment and performance of Asian Americans, seized upon the "discriminatory quota" issue during this period. Academic and professional policy journals devoted similar attention. In 1988, neoconservative politicians entered the debate, attempting to frame the issue within a broader questioning of affirmative action policies in education and other policy arenas. Then President Reagan endorsed the efforts of Asian American students, making statements opposing the use of Asian "quotas." Asian activists, however, preferred to disassociate themselves from the neoconservative campaign. Rather than viewing the Asian American admissions problem as being the result of "reverse discrimination" caused by affirmative action, they viewed Asian ceilings as a separate phenomenon indicative of a specific climate of anti-Asian bias (U.S. Commission on Civil Rights, 1992; Woo, 1993).

Administrative response at the various schools varied dramatically. There were concessions of institutional bias by officials at Stanford and Brown, and moves to correct the problem. By contrast, bias was denied, and claims that investigations had only unearthed statistical errors and fictions at Berkeley, Harvard, and Yale. At Berkeley, the nerve center of the controversy, the Asian American Task Force and the administration finally issued a "joint statement" of mutual cooperation, after years of negotiation in

1989, but no official changes in admissions policy were ever announced. In 1990, however, the University of California Board of Regents appointed a Chinese American engineer, Chang-lin Tien to be new chancellor (Takagi, 1990). The issue of Asian American admissions remains an active policy concern at many U.S. colleges and universities into the 1990s.

Civil Rights and the Workplace

The issue of barriers against promotion into top managerial or executive positions in the workplace, the so-called "glass ceiling," is the most significant occupational issue affecting Asian Americans. Recent surveys support the contention of a "glass ceiling" for Asian Americans in the professional and managerial occupations. A 1990 survey of Fortune 500 companies found that only 0.3% of executives were Asian Americans, less than one-tenth of Asian American representation in the U.S. population as a whole. In a survey of over 300 Asian American professionals and managers in the San Francisco area, respondents identified racism, management insensitivity, corporate culture, difficulties in networking, and lack of mentors as factors limiting their upward mobility (Cabezas, *et al*, 1989). Studies in particular localities, occupations or industries have found glass ceiling barriers for Asian American engineers, in the San Francisco civil service, and in the aerospace industry (U.S. Commission on Civil Rights, 1992).

A "blame the victim" explanation would explain the glass ceiling as a reflection of certain aspects of Asian personality—inwardness, self-reliance, deferentiality and non-aggressiveness. These cultural explanations, however, neglect the presence of strong evidence of institutional discrimination in the form of anti-Asian prejudice and of negative stereotypes regarding Asian American personality characteristics. Civil rights organizations such as the Equal Employment Opportunities Commission, the Department of Labor's Office of Federal Contract Compliance Programs, and the U.S. Congress made the "glass ceiling" issue a priority for both study and monitoring. The glass ceiling is conceived as a barrier which affects not only Asian Americans, but women, Hispanics, African-Americans, and other minorities. Asian Americans themselves seem to have a great tolerance for

this discrimination, however, since Asian American discrimination complaints filed with federal and state enforcement agencies are barely one percent of all complaints filed, a much lower proportion than the representation of Asian Americans in the total U.S. population (Der, 1993). From this standpoint, the Asian American community itself needs to both educate and motivate its members to respond more actively to confront the glass ceiling if there is going to be any improvement.

Voting Rights

In the area of voting rights, multilingual balloting is important issue to Asian Americans, since many potential voters in this group are of limited English proficiency (LEP). Latino voters have been unproblematic beneficiaries of the Voting Rights Act amendments of 1975, which required that political districts with more than 5% language minorities provide multilingual balloting. Asian American populations sometimes fell short of the 5% cutoff, however, particularly in large cities (there were almost 100,000 Chinese Americans of voting-age in New York City in 1980, for instance, but this accounted for less than 5% of the total metropolitan population). This problem was resolved in 1992, when the Voting Rights Act of 1965 was given another 15-year extension with a new amendment which mandated bilingual balloting in districts with at least 10,000 minority LEP voters (in addition to districts that meet the 5% benchmark). The city of Los Angeles, as a result, will now provide balloting in four Asian languages (Chinese, Tagalog, Japanese and Vietnamese) as well as Spanish and English. Asian American political action organizations such as the Japanese American Citizens League, the Organization of Chinese Americans, and the National Asian Pacific American Bar Association have lobbied for bilingual ballots in alliance with Latino organizations such as the Mexican American Legal Defense and Education Fund (MALDEF).

Political district apportionment is also another critical voting rights policy concern of Asian Americans. At issue is the precise configuration of political district boundaries. Areas of concentrated minority population are frequently split-up in separate districts. District boundaries disadvantageous to racial minorities

were historically the consequence of "gerrymandering" on the part of white political candidates who preserved their electorability by perpetuating the same political district boundaries from year to year. Voting rights act amendments in 1982, however, made it possible for minority plaintiffs to challenge any jurisdiction for engaging in electoral discrimination if election results showed that the number of minority candidates elected were not commensurate with the overall population proportions in a city, county, or larger political jurisdiction. The U.S. Justice Department became more of a jurisdictional "watchdog," employing staff to monitor redistricting plans throughout the country (Fuchs 1990).

Court decisions have bolstered the strength of minority challenges to political districting process. In 1986, the *Thornburgh v. Gingles* Supreme Court decision ruled that it was "illegal for a state or locality with racial bloc voting not to create a district in which minorities are in the majority if such a district can be created" (Wei, 1993). The legal support for reapportionment was further buoyed by *Garza vs. County of Los Angeles*, 918 F.2d 763 (oth Cir. 1990), *cert denied*, 12 L. Ed.2d 673 (1991), which found that a minority group doesn't have to constitute over 50% of a district's population to be protected by the Voting Rights Act (U.S. Commission on Civil Rights, 1992).

In California, an organization called the Coalition of Asian Pacific Americans for Fair Reapportionment cooperated with other minority advocacy groups in 1991 to advance proposals for reapportionment of political districts advantageous to the Asian electorate. A 28% Asian Pacific population percentage was achieved in Southern California state assembly district 49, in the San Gabriel Valley, which includes the cities of Monterey Park, Rosemead, San Gabriel and Alhambra. This new district had previously been split up into three districts in the 1981 redistricting (Kwoh and Hui, 1993). This district would give Monterey Park city councilperson Judy Chu a chance at election to the state legislature.

In New York City, by contrast, City Council reapportionment efforts in 1991 were complicated by conflict rather than cooperation in the Asian American community. In New York City's Chinatown, now the largest Asian residential community in the

U.S., redistricting proceedings were marred by political divisiveness between competing organizations with rival agendas. Since Chinatown's population by itself was insufficient to support a district of 140,000 voters on its own, adjoining populations had to be linked in coalition. A group called Asian Americans for Equality (AAFE) proposed linking Chinatown with the affluent voters of the Wall Street/Battery Park City area. A group called Lower East Siders for a Multi-Racial District, by contrast, endorsed a district linking Chinatown with the adjoining Latino community of the Lower East Side. It was argued that Chinatown and the Latino Lower East Side were more suited because both neighborhoods had a low-income population. The AAFE district was eventually accepted, but the AAFE candidate, Margaret Chin, lost in a bitterly contested primary to a white candidate, Kathryn Freed, a Democratic party leader and a tenant lawyer. Many Chinatown voters were urged to vote for the non-Chinese candidate, Freed, who was promoted as a better advocate of low-income interests.

Another variable in the failure of New York City's Chinatown to elect an Asian American was the fact that Chinese still did not constitute a majority, despite redistricting. The Chinatown/Battery Park district was actually only 31% Asian American in voting-age population. Whites were actually in the majority, constituting a 41% proportion. Compounding this problem was additional factor of voter registration. In 1989, only 8000 Asians were registered in the entire borough of Manhattan. In Flushing, an area of Asian American population in the borough of Queens, a district was created in 1991 which included 31% Asian American, but only 6.7% of Asian Americans were registered (U.S. Civil Rights Commission, 1992). There is a similar problem in California, where Asian Americans constitute only 2% of the registered electorate, even though they comprise 10% of total state-wide population. Low registration rates are partially a reflection of the fact that many Asian immigrants are still not naturalized citizens. The Asian American population is also somewhat skewed to younger, non-voting age cohorts. In New York City, only 31% of the Asian American population were citizens of voting age in 1980.

The growing availability of multilingual balloting will certainly assist in efforts to improve registration and electoral

participation among eligible Asian American voters. A more vital challenge, perhaps, is the raising of political awareness and belief in the Asian American community at large that participation in the U.S. democratic process is both important and valuable.

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