

Building Bridges to Justice^{*}

Stewart Kwoh[†]

INTRODUCTION

It is really a pleasure to be at the first annual Bay Area Asian Pacific American Law Students Association conference. I woke up at 5 a.m. this morning in Los Angeles with pouring rain outside for the first time in about a month. Before I left, I was still thinking whether or not I had made the right decision. I think I did. It is an honor to be here. The array of speakers that were here this morning were outstanding. They are trend-setting leaders in our community as far as using the law to advance justice. I just want to mention a few of them that I have had the pleasure to work with: Dale Minami, Alberta Lee, Victor Hwang, Diane Chin, Ray Ocampo, Judge Bob Takasugi, Mark Holscher, and Bob Chang. I want to give a round of applause to Bill Ong Hing who has served as a role model to law students for a number of years. I wish my family was here. I do not get the opportunity to speak as much as I used to before. When I used to speak around the country, I would always get my four-letter last name mispronounced. Instead, it is nice to be among friends here.

Again, I want to congratulate you on the conference. The turnout is one thing, but actually it is your subject matter that really drew me here. I was really struck by the mission statement in your program bulletin that I received a few weeks ago. I truly do agree with you that the Bay Area law students are "uniquely positioned" to significantly influence, as you said, the profession and the community. I also agree that building bridges to justice is the key step, the first important step, to becoming visionary leaders serving our communities and profession.

At the time the Asian Law Caucus began, we started a private law firm called the Asian Law Collective in Los Angeles. A few years later, we decided that the population had grown and that we could, in the early 1980s, begin a legal center that was publicly supported. It was in 1983 at a

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law student conference at the University of California at Los Angeles (UCLA) that helped launch the Asian Pacific American Legal Center of Southern California (APALC). I was the first staff person, but today, we have a staff of over 40 with 14 attorneys. We are also proud to be part of the National Asian Pacific American Legal Consortium (NAPALC), which we helped in forming. Today, the Executive Director of NAPALC is Karen Narasaki. I actually met her in 1983 at the UCLA conference when she was a law student there. So, you never know. It is possible that some of you may end up working with us at one of these public interest law groups.

I. STORIES OF BUILDING BRIDGES

In 1998, I was awarded the MacArthur Fellows Award, and the publicity said that it was for being a civil rights advocate and a bridge builder. All of us here today have personal stories of why we see bridge building as important. I would like to share a couple of my stories with you.

In the late 1970s, I was working on a civil rights case in North Carolina. Five activists were killed by the Ku Klux Klan, and as it turned out, with the culpability of some police officers.¹ While I was there, I remember going into a restaurant one day. A white waitress came over to my table and proceeded to take my order. I was not facing any type of discrimination based on refusal to serve. However, she then stared at me momentarily, and said, "Where are you from?" I thought for a moment and responded, "Well, on my mother's side of the family, my great-grandfather was a miner in New Mexico, and my grandfather was a tailor in Stockton and Oakland. My mother was born in Stockton." She then interrupted me without hesitation and asked, "And how do you like your new country?" Well, I thought to myself, I have two sons who were born in Los Angeles. During their lifetime, they will be asked the same question, as I am sure many of you have been.

The other experience, as I am sure you have heard some panelists talk about today, is the Vincent Chin case.² Vincent was killed in 1982 by two white auto workers. The public outcry spread across the nation in 1983 when the two killers were sentenced to three years probation and a \$3,000 fine for killing Vincent right before his upcoming wedding date.³ At that time, the Legal Center was in its first year. Since we were a regional group, I asked the board members whether I should go and help Vincent,

1. The case discussed was *Waller v. Butkovitch*. For more information contact the Greensboro Justice Fund, P.O. Box 4, Haydenville, MA 01039-0004, (413) 268-3541.

2. See *U.S. v. Ebens*, 800 F.2d 1422 (E.D. Mich. 1986); RONALD TAKAKI, *STRANGERS FROM A DIFFERENT SHORE: A HISTORY OF ASIAN AMERICANS* 479-480 (1987); SUCHENG CHAN, *ASIAN AMERICANS* 177 (1991).

3. The sentence for the defendants was given on February 8, 1983 under the conviction of manslaughter in the Wayne County Circuit by Judge Charles Kaufman. For additional legislative history of this case see Discussion section of the Confidential Report on Vincent Chin Case Submitted to US Department of Justice, Civil Rights Division, June 28, 1983 in the Reader for AAS 113: Asian Americans and the Law at UCLA, Fall 2001.

since I had some civil rights experience. They said, "Yes, by all means go." So, I went and met with Ms. Lily Chin, Vincent's mother. To make a long story short, we became the first out-of-state legal counsel to help the family, co-counseling with the American Citizens for Justice, the group that was spearheading the case.

In examining the case, I realized that the appeal of the state sentence was not going to work. The only legal option, as criminal prosecution was concerned, was to try to get the Justice Department under President Reagan to file a civil rights prosecution.⁴

Vincent Chin became the first Asian American victim to be covered by that law. However, that is not the story that I wanted to share. How many of you have heard of the Vincent Chin case? How many of you have heard of Lily Chin? A lot fewer of you. Well, Lily was Vincent Chin's mother. She was an immigrant woman and had lost her husband about six months before Vincent was killed. Lily decided she had to go around the country and ask people to help her seek justice for her son. Her decision to do this came right after the court ruled on a sentence for manslaughter with a \$3,000 fine and probation. I remember that she came to a Los Angeles Chinatown restaurant, where there was a standing-room-only crowd of about 300 people. At one point during her talk, she fainted and several of us had to help her get back on her feet. Later that night, I had the chance to ask her how she was doing. She replied, "Stewart, there is nothing I can do to bring Vincent back, but I don't want any other mother to go through what I've gone through."

Through our coalition's efforts, the Justice Department eventually brought a federal prosecution. In the federal trial, the main culprit was found guilty and sentenced to 25 years in prison. However, the case went on appeal and eventually a new trial was ordered.⁵ There was also a change of venue motion, and the trial was moved from Detroit, Michigan to Cincinnati, Ohio.⁶ The almost all-white jury could not comprehend the racial motivation behind the killing of Vincent, even though witnesses had testified that the two defendants had stated on a previous occasion that the Japanese had caused them to lose their jobs. Other racially charged evidence was also presented. Nevertheless, there was an acquittal in the second trial and in the end, the two killers never spent a day of their lives in jail.⁷

When the realization that her quest for justice was over, Lily decided that she could no longer live in the United States and soon afterwards returned to Southern China where she lives today.⁸ In 1995, I had the opportunity of going to China for the first time since I was quite young. While there, I had the chance to visit Lily. Initially, she seemed happy.

4. Prosecution secured under 18 U.S.C. § 241 (1994) and 18 U.S.C. § 245(b)(2)(F) (1994). See the Confidential Report on Vincent Chin Case Submitted to U.S. Department of Justice, Civil Rights Division, *supra* note 3.

5. See *U.S. v. Ebens*, 800 F.2d 1422 (E.D. Mich. 1986).

6. See *U.S. v. Ebens*, 654 F. Supp. 144 (E.D. Mich. 1987).

7. See *U.S. v. Ebens*, 800 F.2d 1422 (E.D. Mich. 1986).

8. See CHAN, *supra* note 2, at 178.

But as I recall, I looked into her eyes and realized that there was nothing she could do to bring her family back. I still remember the pain in her eyes caused by the injustice in her son's case. It is one of those personal stories that further fueled my commitment to building those bridges successfully. However, personal stories are only one factor in building bridges.

II. BUILDING BRIDGES TODAY

I would not say that it is more important than ever before, but I would say that it is as important as ever before to build those bridges to justice. Why is that? What is happening in our community? What is happening in our society that makes me say that? First of all, if you look at the Asian Pacific American experience today, it is one of progress, but also one of disparities, poverty, and racism. It is one where, on the one hand, Asian Pacific Americans have the fastest growing number of families with high incomes. Yet, concurrently, Asian Pacific Americans also have the fastest growing number of families in poverty. We see those families in poverty everyday at APALC. For example, we have seen Thai garment workers, some who had been locked up for over seven years in a sweatshop.⁹ Perhaps they have sewn some of the clothes that you are wearing today. We have also met Filipino World War II veterans who are still denied the right to collect their benefits as Veterans of the United States Army. We just helped support an event last weekend where many of these Filipino seniors came forward. They have no health insurance or the ability to seek medical care, so we supported a health screening program that was sorely needed. At APALC, we see many of our Southeast Asian and Pacific Islander brothers and sisters as having some of the highest poverty rates of any racial or ethnic group in the United States today.

I have the privilege of chairing the board of the largest health foundation in California. We see disparities in health that are truly amazing. In California, the richest state in the nation, there are still too many children who are uninsured. Many of them that we have seen are uninsured because they are undocumented or their families make a bit more than the poverty level. We have also seen many who are eligible for government health programs but do not come forward. Why? Many of the Asian American children who are uninsured have undocumented immigrant parents who are so afraid of coming forward that they would risk tuberculosis instead. In effect, they are forced into making the unenviable choice between risking disease and death or risking deportation and losing the existing maintenance and well-being of their family.

The contradictory developments continue in other respects. We see the growth in the number of Asian Pacific American students at public and private colleges throughout California. But did you know that Asian Pacific Americans have the greatest increase in incarceration rates

9. See George White, *Workers Held Near Slavery, Officials Say*, L.A. TIMES, Aug. 3, 1995, at A1; Karl Shoenberger, *Labor: To Report Abuse, Thai Workers Risked Deportation and Defied Threats*, L.A. TIMES, Aug. 11, 1995, at A1. See also Julie A. Su, *Making the Invisible Visible: The Garment Industry's Dirty Laundry*, 1 L. GENDER RACE & JUST. 405 (1998).

according to the California Youth Authority?¹⁰ In the past few years, we have seen a doubling to almost 10 percent.¹¹ We see many Asian Pacific Americans who are making it economically, but what about our political representation and empowerment in the state of California? There are over 4 million residents of Asian ancestry, yet in the 120 state legislatures, assembly and senate combined, there are only four Asian Americans.¹² So, we are at this crossroad of progress combined with disparities. We are able to integrate into the workforce, into most professions, and into schooling. However, we are not able to reduce or stop the drastic growth of hate crimes against Asian Pacific Americans from the University of California at Davis to the ten Asian Americans who, in the last two years alone, have lost their lives because they were of a different skin color.¹³ Instead of a reduction in the number of hate crimes, we have witnessed a dramatic increase. Perhaps the starkest example of this is the killing of Joseph Ito.¹⁴ Joseph was a Filipino American postal carrier. In August of 1999, he was filling in for another postal worker in the San Fernando Valley of Los Angeles when a white man asked Joseph if he would help him mail some letters. As Joseph turned to help him, the white man shot Joseph over a dozen times, mostly in the back. It turned out Joseph was shot by Buford Furrow, who had shot and wounded, but not killed, five Jewish children and adults in a North Valley Jewish Community Center earlier that day.¹⁵

Another contradiction lies in the fact that 25 percent of the Ph.D.s in science in the United States are Asian Americans and Asians.¹⁶ In essence, the 25 percent who are given the responsibility of building the scientific infrastructure and defense for our country are Asian Americans and Asians. Then, in contravention, you have the case of Dr. Wen Ho Lee, whose civil rights and due process were denied at least in part because of the way he looked and his ethnic background, not because of what he did, but because of who he was.¹⁷

We are at this very interesting juncture where the model minority stereotype is based in part on the facts of progress, yet lying hidden is the very injustice and poverty that too many in our community face today. The

10. See generally the California Youth Authority Website available at <<http://www.cya.ca.gov/index.html>>.

11. See *id.*

12. Referring to the State of California's Assemblywoman Judy Chu, Assemblywoman Wilma Chen, Assemblywoman Carol Liu, and Assemblyman George Nakano.

13. See National Asian Pacific American Legal Consortium, 1999 Audit of Violence Against Asian Pacific Americans, Seventh Annual Report: Challenging the Invisibility of Hate (2000) and National Asian Pacific American Legal Consortium, 2000 Audit of Violence Against Asian Pacific Americans, Eighth Annual Report (forthcoming edition to be published in March 2002).

14. See Jocelyn Stewart, *Mourners Remember Slain Mail Carrier*, L.A. TIMES, Aug. 15, 1999, at B1. See also Henry Weinstein, *Furrow Gets Five Life Terms for Racist Rampage*, L.A. TIMES, Mar. 27, 2001, at B1 (discussing Furrow's sentence).

15. See Stewart, *supra* note 14.

16. According to Charlie Sie, Vice Chairman of the Committee of 100 (an organization working to create an influential voice for Americans of Chinese descent) and a board member of the Chinese American Scientists and Engineers Association of Southern California, during a speech at the Committee of 100 Conference in 2000. See also James Glanz, *Amid Race Profiling Claims, Asian-Americans Avoid Labs*, N.Y. TIMES, July 16, 2000, at A1.

17. See Victor Hwang, *More Than Wen Ho Lee Was Wronged*, L.A. TIMES, Sept 3, 2000, at M5.

stereotypes of the devious foreigner seem to blatantly justify unfair treatment. What needs to be done? Should we remain silent? Should we just accept the positive and ignore the negative? Worse, should we buy into the model minority stereotype? I recently co-authored an op-ed piece in the *Los Angeles Times*.¹⁸ We said that diversity is fine, but it depends on what you do with diversity that counts. There is a tendency in the United States to think that changing the hue or the color of those on top changes the fortunes of those on the bottom. While there is some connection, in terms of improvements in income, poverty, and education, the situation for many of our people in inner cities and even in rural neighborhoods has not improved. So, we said at the end of our article that we not only need an agenda for diversity, but we need a strategy for economic and social justice.

III. THE MODEL MINORITY MYTH AND SPEAKING UP FOR JUSTICE

Asian Americans will be romanced with the idea that we are the model minority.¹⁹ I am not saying that earning a good income is a bad thing. At APALC, we need people who can contribute to our programs and our building campaign. But that does not mean we have to operate under a myth of a model minority. Instead, it does mean that we should measure our progress by how equality is achieved and how we speak up for justice. Speaking up for justice is as important as ever before, but it is not easy. There is little tolerance for those who are considered part of the model minority and who speak up.²⁰

Due to the growing racial stereotyping and with the Chinese scare, I wrote an article about human rights abuses not in Asia, but in the United States.²¹ I talked about Dr. Wen Ho Lee and the eight Asian Americans who were killed in hate-motivated crimes.²² I wrote the article in part because nobody knew the names of the three Asian Americans who were killed in Pittsburgh and about Joseph Iletto.²³ When I wrote the article, I remember very vividly one of the letters to the editor. The letter was from someone who was married to an Asian American woman whose family was a model minority.²⁴ He implied that I should shut up because the United States is a wonderful place.²⁵

I also wrote another op-ed piece that stated diversity was not just skin-deep.²⁶ I received another letter to the editor that stated I should think about moving to another country or accept that the United States is a

18. Angela Glover Blackwell, Stewart Kwoh, & Manuel Pastor, *Diversity Isn't Just Skin Deep*, L.A. TIMES, Jan. 7, 2001, at M5.

19. See Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post Structuralism, and Narrative Space*, 1 ASIAN L.J. 322, 327-329 (1993).

20. See *id.* at 327-328.

21. Stewart Kwoh, *Spurred by Hate Crimes and the Wen Ho Lee Case, This Diverse Group is Fighting Back*, L.A. TIMES, May 28, 2000, at M5.

22. See *id.*

23. See *id.*

24. See Robert McVerry, *Asian Americans*, L.A. TIMES, Jun. 5, 2000, at B6.

25. See *id.*

26. Glover Blackwell, *supra* note 18.

classist society.²⁷ Well, the United States is my country. We need to speak up – but speaking up for justice is not just about standing up for your ethnic group.

IV. BUILDING BRIDGES ACROSS PAN-ASIAN ETHNICITIES

Ethnic identification is an evolving concept. While some people say Asian Pacific American and Pacific Islander, others say Asian American. When I was at the Democratic National Convention in 2000, someone said Asian and Pacific Islander American.²⁸ In Los Angeles, there are five different Asian American bar associations: Chinese, Japanese, Korean, Filipino, and Asian Pacific American.²⁹ Moreover, at UCLA, there are over 40 Asian American groups.³⁰ I am not against the specification of the Asian identity.³¹ However, we have to challenge ourselves to go against the trend of saying, “Let us just take care of our own,” or “Let us just take care of our own first before we talk about anyone else.”

During World War II when 120,000 Japanese Americans were rounded up and their liberties stripped from them, some Chinese Americans wore buttons that said, “I’m Chinese.”³² The implication was do not take me. I have thought long and hard about this reaction. Was it right? Was it wrong? I believe it was not right. Chinese people in California were considered to be the dirt of the earth from the 1870s to the 1940s.³³ The Chinese suffered from discrimination; so, I tried to understand the button. But today, we have a different picture, and the question is: How are we building unity within our community?

When Vincent Chin was killed, the perpetrators thought he was Japanese.³⁴ Vincent Chin’s perpetrators were wrong because he was Chinese American. In February 2000, a group of Korean Americans were attacked and called “chinks.”³⁵ The common discrimination that we receive should tell us something. It should also tell us something about the common treatment Asians receive in the areas of immigration, language issues, access to programs, and culture. However, it does not always. Building bridges across pan-Asian ethnicities does not always happen naturally. It requires special commitment and vision.

27. See John Hernandez, *Diversity*, L.A. TIMES, Jan. 12, 2001, at B8.

28. The individual referenced is Norman Mineta, who was then U.S. Secretary of Commerce. Currently, Mineta is the U.S. Secretary of Transportation.

29. The Asian American bar associations referenced are the Southern California Chinese Lawyers Association, Japanese American Bar Association, Korean American Bar Association, Philippine American Bar Association, and Asian Pacific Bar Association.

30. For specific names of the Asian American groups at UCLA, see the listing of the campus’ registered organizations at <<http://www.studentgroups.ucla.edu>> (last visited Mar. 3, 2002).

31. See K. Connie Kang, *Bringing People Together is Stewart Kwoh’s Vision, and His Talent*, L.A. TIMES, Jan. 7, 1995, at A1.

32. See Susan Moffat, *The L.A. Riots Highlighted Tensions Among Asian-American Groups, Split by Longstanding Enmities and Generational Conflict*, L.A. TIMES, July 13, 1992, at A1.

33. See STANFORD M. LYMAN, CHINESE AMERICANS 54-85 (1974).

34. See TAKAKI, *supra* note 2, at 479-480; CHAN, *supra* note 2, at 176-177.

35. See Lynette Clemetson, *The New Victims of Hate*, NEWSWEEK, Nov. 6, 2000, at 61.

In developing organizations and coalitions, we must link our common interests. In Los Angeles, there are over 20 different Asian Pacific American groups.³⁶ I am proud that in the legal community, we have the Asian Law Alliance, Asian Law Caucus, Asian American Legal Defense and Education Fund, NAPALC, and National Asian Pacific American Bar Association because they bring the different Asian groups together. At APALC, we are challenged to bring the different groups together. Currently, APALC has eight different language capabilities on our staff, but we are challenged to have more.³⁷

In redistricting California, APALC helped initiate a statewide coalition proposing a statewide map for the state assembly. APALC also built a census coalition throughout the state that included many different Asian groups.³⁸ Even though the Census Bureau translated its documents into some Asian languages, APALC, in conjunction with NAPALC, translated the census materials into over a dozen additional Asian languages.³⁹

Building bridges to justice actually means figuring out how to communicate across our many Asian languages. For example, some people in our community were getting notices in English that their welfare assistances would be cut off. Unable to read English, these people realized that their welfare checks were not coming, but did not know why. That was just the symptom of the problem. There is very little Asian language access in Los Angeles County's welfare program.⁴⁰ Since Asian and Pacific Islanders constitute approximately 12 percent of the California Work Opportunity and Responsibility to Kids (CalWORKS) program's caseload, around 10 to 15 percent of the public assistance workers in California should be able to speak various Asian languages.⁴¹ In fact, the public assistance workers in California should especially be able to speak Southeast Asian languages because the people of this region represent 90 percent of the Asian and Pacific Islander CalWORKS cases.⁴²

I had a long time dream of developing a telephone language line that would accept telephone calls from people speaking different Asian languages and refer them to APALC or other appropriate legal aids. The centralization of the actual intake would occur at APALC, and legal aids from all around Southern California, including Orange County, would tie into this Asian language access line. The telephone language line is the kind of striving that it takes to build bridges to justice.

36. See <<http://www.apanet.org/members>> (last visited Mar. 3, 2002) (providing a list of such groups).

37. At the time the speech was given, there were eight different language capabilities at APALC - Chinese, Korean, Japanese, Tagalog, Thai, Vietnamese, Hindi, and Urdu.

38. See *Asian Pacific Communities Launch Aggressive Census Campaign: Largest Educational Initiative Aimed at Asian Pacific Americans in the U.S.*, FT ASIAN INTELLIGENCE WIRE, Jan. 13, 2000, available at LEXIS, News Group File, All.

39. Translated U.S. Census 2000 materials on file at APALC.

40. See Veronika Geronimo, *The Impact of Welfare Reform on Asians and Pacific Islanders: Community Perspectives*, (Asian Pacific America Legal Center, Los Angeles, Cal.), Sept. 2001, at 2-4.

41. See *id.*

42. See *id.*

Building a higher level of unity and links among Asian Pacific Americans is as important as before because who will stand up for Joseph Ito? Initially, nobody in the California state legislature knew of Joseph Ito. When part of the legislature held an event about gun control two weeks after Joseph Ito was killed, they talked about the Jewish kids, but they did not mention Joseph Ito. Who will stand up? Who will stand up for the Korean Americans who were devastated after the 1992 Los Angeles riots?⁴³ Was it just the Korean Americans who were affected by the riots? It was our community that burned down. When 70 Thai women were freed in El Monte, was it only a Thai American issue?⁴⁴ It was our family too. Furthermore, when ten Asian American brothers were killed over the last two years, was it only a South Asian problem or Filipino problem?⁴⁵ No, they were our brothers. In the 1960s and 1970s, the movement to unite Asian Pacific Americans was new, and it is still new because unifying our community takes ongoing work and commitment.

V. BUILDING BRIDGES ACROSS ETHNIC MINORITIES

Building bridges to justice is not just about Asian Pacific Americans. It is an inclusive concept. We cannot, especially given the progress that we have made, turn our backs on other minorities and oppressed communities. When Joseph Ito's family spoke about the Hate Crimes Prevention Act, they spoke for everyone who did not receive sufficient protection under our laws.⁴⁶ The Hate Crimes Prevention Act would expand coverage to gays and lesbians, the disabled, and women.⁴⁷ Thus, when Joseph Ito's family spoke in favor of the Hate Crimes Prevention Act, they were not just speaking for Asian Pacific Americans.

Currently, APALC has a lawsuit against the University of California at Berkeley (UC Berkeley) that challenges the admission program's strict reliance on test scores.⁴⁸ On behalf of Filipino Americans and in conjunction with the Mexican American Legal Defense Fund and NAACP Legal Defense Fund, APALC sued UC Berkeley. APALC accepted the case because it promoted solidarity among underrepresented students.

Asian Pacific Americans have benefited significantly from the civil rights laws in this country.⁴⁹ In January, an Asian reporter will ask why

43. See Stewart Kwoh, Angela E. Oh & Bong Hwan Kim, *Recovery: A Sense of Urgency Must Be Applied to Speeding up Aid to Victims of Last Year's Disturbances*, L.A. TIMES, May 3, 1993, at B7.

44. See Schoenberger, *supra* note 9; Paul Feldman & Patrick J. McDonnell, *Sweatshop: Labor and Community Groups Pledge Bond for 40 of the Immigrants*, L.A. TIMES, Aug. 11, 1995, at B1.

45. See Kwoh, *supra* note 21.

46. See Karima A. Haynes, *Bias: Relatives of the Injured are to Join Families of Victims in Two Other Violent Hate Crimes at a White House Meeting Tonight on the Issue*, L.A. TIMES, Apr. 28, 2000, at B9.

47. Hate Crimes Prevention Act of 1999, 106 Cong. § 4 (1999); 18 U.S.C. § 245 (2001). The Hate Crimes Prevention Act would allow prosecution based on race, national origin, or religion, irrespective of whether a federally protected activity was involved. Furthermore, the Hate Crimes Prevention Act would extend protection to the victims of hate crimes based on gender, disability, and sexual orientation.

48. *Castaneda v. Regents of the University of California*, No. C99-0525 (N.D. Cal., filed Feb. 1999).

49. With the Civil Rights Act of 1964 and subsequent civil rights legislation, Asian Americans, as

Asian Pacific Americans should be concerned about Martin Luther King Jr.'s birthday. Sometimes when I ask my UCLA class how many of them or their families came over to the United States after 1965, usually two-thirds of the room will raise their hands.⁵⁰ If it were not for the Civil Rights laws or Civil Rights Movement, the 1965 immigration laws would not have been changed.⁵¹ Asian Pacific Americans would not be here today because from 1882 to 1965, we were subject to either an absolute exclusion or a quota of 100 per year.⁵²

Recognizing common interests is not always simple. When I talked to some Chinese groups about Dr. Wen Ho Lee, they responded that they were against racial profiling and that Dr. Lee was being mistreated.⁵³ In fact, APALC did a study showing that among 5,000 people polled, 50 percent of Asian Americans thought Dr. Lee was unfairly treated or unfairly treated because of his race.⁵⁴ I told the Chinese groups that while they discuss racial profiling, what are they doing about the racial profiling against Blacks and Latinos? Blacks and Latinos are mistreated just because of who they are, and not for what they have done.⁵⁵ Blacks and Latinos are stopped inordinately by police officers and searched.⁵⁶ Ultimately, the common interests among ethnic minorities and the Asian Pacific American community must be linked.

In 1995, I received a call from a neighbor who worked at the California State Labor agency. The neighbor asked me to find him Thai translators because his staff was going to an immigration raid and they needed people to help translate because they believed some of the workers were of Thai descent.⁵⁷ I asked Julie Su, the head of APALC's anti-sweatshop law project, for assistance. APALC helped them, and when some of the community leaders went on the raid, they found around 70 Thai workers locked up.⁵⁸ Some Thai workers had been confined for over seven years.⁵⁹ Moreover, just as the Thai workers were freed, they were

well as other minorities, greatly benefited from a lessening of discriminatory barriers in housing, education, and voting.

50. From 1984 to the present, Stewart Kwoh has been an instructor for "Asian Americans and the Law," an undergraduate class offered at UCLA. From 1996-1997, he was also a lecturer at UCLA School of Law.

51. See Jan C. Ting, *"Other Than a Chinaman": How U.S. Immigration Law Resulted From and Still Reflects a Policy of Excluding and Restricting Asian Immigration*, 4 TEMP. POL. & CIV. RTS. L. REV. 301, 302-307.

52. See *id.*

53. See Asian Pacific American Legal Center of Southern California, November 2000 Southern California Exit Poll (report to be posted on the website in the future at <<http://www.apalc.org>>).

54. See *id.*

55. See Katheryn K. Russell, *Racial Profiling: A Status Report of the Legal, Legislative, and Empirical Literature*, 3 RUTGERS RACE & L. REV. 61, 71-75 (2001); Frank H. Wu, *The Profiling of Threat Versus the Threat of Profiling*, in 7 MICH. J. RACE & L. 135, 135-150 (2001); Angie Cannon, *DWB: Driving While Black*, U.S. NEWS & WORLD REPORT, Mar. 15, 1999, at 72.

56. See Russell, *supra* note 55, at 71-75; Wu, *supra* note 55, at 135-150; Cannon, *supra* note 55, at 72.

57. See Shoenberger, *supra* note 9.

58. See White, *supra* note 9; Feldman, *supra* note 44.

59. See White, *supra* note 9; Feldman, *supra* note 44.

locked up again by the INS.⁶⁰

When the Thai workers were about to be deported, APALC decided to accept their case. An attorney whose name I do not recall said that I should not take the case because it was going to be a difficult case. He said that in California, the sweatshop laws were weak; thus, the manufacturers and retailers who profited from the exploitation were not going to be held liable.⁶¹ He also said that the workers were undocumented and were going to be deported at some time during the case; therefore, there was no legal status. Basically, APALC was going to have witnesses in Thailand. Moreover, he said that if APALC included the 20 to 30 Latinos who were in the factory, the Thai and Latino workers would not get along because they could not communicate with each other. This statement was made even before the manufacturers and retailers whom APALC sued hired large law firms in Los Angeles. However, APALC continued to fight for the Thai workers, and a little over a year ago, APALC settled the matter.⁶² The final settlement exceeded \$4 million.⁶³ Most importantly, the Thai and Latino workers stood together in protest of their treatment and conditions in the sweatshops. The Thai and Latino workers even went up to Sacramento to testify,⁶⁴ and as a result of their courage and unity, California presently has the strongest anti-sweatshop law in the United States.⁶⁵

In a speaking engagement before 25,000 workers in the Los Angeles Sports Arena, I reiterated the story.⁶⁶ I said that garment workers can unite. Lawyers can retrieve that old spirit of facilitating and organizing. Lawyers can also help empower workers of all ethnicities because they can play a significant role in linking common interests. For example, Julie Su spent time, along with APALC's coalition partners, not just on the El Monte Thai workers' case, but in educating workers and bringing them together. Just two weeks ago, garment workers opened the first garment worker center in Los Angeles in over 30 years.⁶⁷ Now, there is a place in Los Angeles dedicated to being a forum for communication regarding sweatshop conditions and improving the lives of garment workers.

60. See White, *supra* note 9; Feldman, *supra* note 44.

61. There were opinions in the community that if one just looked at a narrow interpretation of the law, it would be difficult to hold manufacturers to the law and to fight against the immigration deportation of sweatshop workers.

62. See K. Connie Kang, *Immigrants: After Virtual Slavery in El Monte Sweatshop, They Have Become Activists as They Adapt to Life in U.S.*, L.A. TIMES, July 29, 1999, at A1.

63. See *id.*

64. See *id.*; A.B. 633 (Cal. 1999).

65. See Robert Collier, *Measures Seek to Halt Widespread Abuses in Garment Industry*, S.F. CHRON., Sept. 11, 1999, at A7.

66. The referenced speaking engagement was the AFL-CIO Forum on Immigrant Workers' Rights, Los Angeles Sports Arena, June 10, 2000. See <<http://www.aflcio.org/articles/misc/la.html>> (last visited Mar. 3, 2002).

67. See Patrick J. McDonnell, *Center Offers Garment Workers a Voice*, L.A. TIMES, Apr. 14, 2001, at B1. See also <<http://www.sweatshopwatch.org/swatch/gwc>> (last visited Mar. 3, 2002).

CONCLUSION

Let me conclude by saying that I am proud to be here for your first annual conference because in your unity, there is strength. We, in the public interest sector, want you to come work with us. We want you to join the bar associations even if you cannot work with us. We need to do a better job of letting you know about fellowship opportunities, scholarships, and internships. We need to do a better job of figuring out how to deal with large student loans. We need to find loan forgiveness programs that will allow you to work in the communities. But there are many things that you can continue to do. Look at the tremendous leaders that are present today. Many are located in the Bay Area, which provides abundant opportunities to volunteer in the communities.

In unity there is strength. When Joseph Iletto's family (his brother Ismael, his mother Lillian, and his sisters Raquel and Carmina) speak up, they do so at great risk to their own safety. Some hate groups have now found their addresses and phone numbers, and the family has received death threats and hate calls.⁶⁸ Just this month, they will have to move to a new place because of those threats. It is at this moment that our unity is needed most. When the Iletos speak out for the Hate Crimes Prevention Act, will we be there with them? Will we stand up for justice with the Iletto family? In the last few years, as APALC has become more visible, it has experienced an increase in hate calls, hate letters, and threats. Sometimes it is a dark day. Sometimes APALC feels isolated. When I begin to feel that way, I think about Lily Chin. I think about Fred Korematsu. I think about the Iletto family. I think about Dr. Wen Ho Lee and his family. Then I say to the hate mongers, APALC will never stop fighting for justice, and we are honored to join you in the fight to build bridges to justice.

68. The increase in death threats and hate activity directed toward the Iletto family may be attributed to their increased public activity. Since Joseph Iletto's death, the family has been educating the public by speaking to community groups, students, and elected officials about hate crimes and gun control. With the help of APALC, the Iletto family is creating a Joseph Iletto Hate Crime Prevention Fellowship Fund to sponsor individuals working to advance the education and advocacy of hate crimes issues and prevention.