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PRACTITIONER'S ESSAY

Asian American Civil Rights Advocacy and Research Agenda After 9/11

Karen K. Narasaki and June K. Han¹

Introduction

The terrorist attacks on September 11 had a profound effect on the lives of all Americans, including Asian Americans severely impacted by the economic downturn and subject to a virulent backlash directed against immigrant and minority groups.² New advocacy priorities and research needs have emerged since 9/11, and we feel that this is a critical juncture at which to identify a post-9/11 Asian American civil rights advocacy and research agenda.

The issues facing Asian American communities that existed before 9/11—such as racial and ethnic discrimination, language barriers, poverty and lack of access to government and legal services, health care, job training and safety net programs—still exist and in fact have been exacerbated because of the downward economy and hostile environment facing immigrants and minorities since 9/11. The dramatic increase in violent bias-motivated incidents and attacks on constitutional and human rights due to the overzealous reaction to concerns about national security led by Attorney General John Ashcroft have served to further complicate already existing problems.

The aftermath of 9/11 has further exposed the inadequate availability of systematic quantitative and qualitative data on Asian Americans—data necessary to affect public policy on both national and local levels. Current research has been inadequate in addressing the most pressing advocacy needs facing Asian American communities. While there is some interesting theoretical and academically based work being produced by Asian American researchers, there is a dearth of the more applied research that relates directly to the social issues facing our communities and would be most helpful to Asian American advocacy groups.

Moreover, due to the economic downturn following 9/11, and even before that with the fall of the dotcoms and the emergence of corporate scandals, Asian American community-based organizations have been struggling to raise resources necessary to do advocacy work and to conduct much needed research. These organizations, already struggling with the problem of limited resources, face an even more dire situation today as community needs have increased exponentially since 9/11.

In this essay we highlight some pressing civil rights concerns and critical research areas around which we propose a current civil rights advocacy and research agenda should be built.

Research on Asian Americans

Despite the rapid growth of the Asian American population since 1965, it is a group that is largely ignored by researchers in the academic, government, and non-profit sectors. Statistical data on Asian Americans as a group is difficult to find, but finding data disaggregated by ethnic-specific group is almost impossible in most cases—whether the issue area is employment, housing, education, health, voting, criminal justice, domestic violence, or access to government programs. Without the availability of systematic quantitative data, it is difficult to track trends over time, enforce civil rights, and identify problem areas as well as areas in which progress has been made.

Recognizing and responding to these needs, community-based organizations have partnered with academic centers, such as the Asian American Studies Center at the University of California, Los Angeles, as one way of filling the void. In the early to mid-1990s, for instance, the Leadership Education for Asian Pacifics' (LEAP) Asian Pacific American Public Policy Institute partnered with the UCLA Asian American Studies Center to publish a series of public policy reports. The reports focused on various issues relevant to Asian American communities, including education, immigration, and civil rights.³

Frustrated with the relative lack of statistical data on Asian American groups, national, regional, and local Asian American advocacy organizations have also begun to collect data and to produce their own reports.⁴ While such efforts have been made, community-based organizations are in short supply of the training and funding required to fully address the void created by the lack

of attention paid to Asian Americans by most researchers.⁵

The following are some issue areas covered by the National Asian Pacific American Legal Consortium (NAPALC) and other advocacy groups, both before and after 9/11, as well as some specific areas for which additional research is needed.⁶ While this section is broken down into specific issue areas for organizational purposes, they are somewhat artificial in the sense that most issues in the post-9/11 world have become increasingly interrelated, and the lines have become more difficult to draw.⁷

Hate Crimes and Anti-Asian Violence

Anti-Asian violence was a growing issue facing Asian American communities, but the events of September 11 served only to worsen the problem. NAPALC's *Backlash: Final Report* (2001) documented 507 bias-motivated hate crimes against Asian Pacific Americans, representing a 23 percent increase from 2000.⁸ Much of this increase was due to the violence against Arabs, Muslims, South Asians, and Sikhs following 9/11.⁹ A number of community leaders have also reported a "chilling effect," as victims of bias-motivated offenses refuse to report the incidents to law enforcement out of fear of provoking retaliation and generating further backlash.

Part of the reason behind the limited data on hate crimes involving Asian American victims stems from the pervasive problem of under-reporting. Language barriers, a lack of knowledge of the American legal system, and a fear of retaliation and of law enforcement are believed to contribute to the under-reporting of hate crimes among Asian Americans. Research looking into underlying reasons behind the under-reporting problem among Asian Americans would be particularly useful.

In addition, the degree to which universities are adequately identifying hate crimes on college campuses and complying with federal regulations is an important topic that requires further research. Looking into the prevalence of hate crimes in elementary and secondary schools will also be necessary as anecdotal reports suggest that this remains a serious issue.

Moreover, the intersection of race, ethnicity, gender, religion, and sexual orientation as the motivating factor behind bias-motivated incidents and crimes should be examined. An overall improved understanding of hate crimes and anti-Asian violence will

be important in identifying effective strategies to address and combat this important policy issue.

Racial Profiling

Prior to September 11, many groups had been targets for racial profiling, including African Americans, Latinos, and Asian Americans. Racial profiling occurs when law enforcement officials scrutinize individuals based on their race, ethnicity, or national origin under the presumption that certain minority groups are more likely to commit crimes. A very common form of racial profiling is the police practice of routinely stopping drivers based on the color of their skin as part of law enforcement efforts to capture drug-related offenders. While African Americans and Latinos have been particularly vulnerable to this type of racial profiling, Asian Americans have also been affected.

Since 9/11, racial profiling has largely expanded to target those who are or appear to be Arab, South Asian, or Muslim. In the aftermath of 9/11, there have been numerous reports of passengers who have been subjected to additional inspections, denied boarding, and asked to leave airplanes solely based on their actual or perceived race, ethnicity, national origin, or religion. Sikh American men have been especially vulnerable to this type of profiling, often referred to as “airport profiling,” as many Sikh men wear turbans and beards that make them appear similar to the publicly perceived image of Osama bin Laden.¹⁰ To discuss this issue among others related to racial profiling, NAPALC worked with the Leadership Conference on Civil Rights (LCCR) Education Fund on its 2003 report on racial profiling, entitled “Wrong Then, Wrong Now: Racial Profiling Before and After September 11, 2001.”

While a number of studies have been conducted to test the degree to which state and local law enforcement officers rely on race, ethnicity, and/or national origin in determining who they target for traffic stops violations, very few of these studies have been conducted in areas with large Asian American populations.¹¹

Polling, focus groups, surveys, and interviews should be conducted with law enforcement officials to better understand the racial profiling issue from their perspective. With this purpose in mind, NAPALC worked in partnership with the National Council of La Raza (NCLR) on a small-scale qualitative research project that involved interviews with both minority and non-minority federal,

state, and local law enforcement officials. Such efforts could be further expanded and developed.

Another possible area for future research involves looking into the expanded use of actual or perceived national origin, religion, and immigrant status as the basis for law enforcement action since 9/11 and the legal implications of such an expansion. The current framework around racial profiling must be expanded to fully engage issues that have surfaced around the profiling of those who are or appear to be Arab or Muslim since 9/11.

Immigration and Immigrant Rights

Even before 9/11, anti-immigrant policies had been on the rise. In 1996, for instance, Congress passed anti-terrorism legislation that eroded the due process protection of immigrants, instituting the use of secret evidence in immigration procedures and making immigrants more vulnerable to deportation with little if any judicial review and oversight.¹²

Over 60 percent (or 7.2 million) of Asian Americans are foreign-born, and China, India, Vietnam, Korea, and the Philippines rank among the top ten countries of origin for foreign-born individuals living in the United States (U.S. Bureau of the Census 2000). In addition, approximately 40 percent of Asian Americans are not yet citizens, and many more live in a household where at least one family member is not yet a citizen (U.S. Bureau of the Census 2000). Consequently, any policy that discriminates against immigrants and non-citizens is likely to have a disproportionately high impact on Asian American communities.

The discriminatory treatment of immigrants was a persistent problem before 9/11, but since then discrimination against immigrants has increased to an alarming level. The declining U.S. economy and the focus on homeland security after 9/11 have provided a strong boost for anti-immigration forces. As a result, many policies have surfaced that reflect anti-immigrant sentiments and fears, impacting the rights of immigrants in myriad destructive ways.

The Bush Administration, for example, has sought to apply indefinite detention, to deny individuals access to attorneys, and to use secret evidence and closed hearings under the premise that non-citizens have no constitutional right to due process. The Patriot Act erodes the rights of even immigrants with legal status, including legal permanent residents, by adding numerous triggers

for detention and deportation. The Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) also appear to be aggressively using powers under the Patriot Act to investigate wire transfers and overseas charitable donations, resulting in the shutting down of some businesses and charities.

Instead of applying criminal laws, which offer stronger due process protections, DOJ has aggressively sought to use minor technical violations of civil immigration laws as the basis for conducting sweeping investigations and detaining individuals for indefinite periods of time. Actions taken by the federal government since 9/11 include sweeps and raids of neighborhoods and airports, required special registration of immigrant visitors from certain Arab and Asian countries, the targeting of immigrants from certain countries for deportation as part of "Project Absconder," and the targeting of mosques and other places of worship for surveillance. DOJ has also sought to confer authority on local law enforcement officials to enforce civil immigration laws, thereby compromising the ability of local law enforcement agencies to work effectively with immigrant communities. As a result, Congress is considering legislation that would require states and municipalities to enforce federal immigration laws or lose federal funding.¹³

Immigrants from Pakistan are believed to make up the largest group of detainees held in secret by the DOJ. What is the economic and social impact of mass detentions and deportations on these families and communities? Little is also known about the transnational nature of companies and charities owned or run by Asians and Asian Americans. Further information is needed in order to adequately assess the impact of new federal laws and policies on Asian American companies, charities, and the community at large.

Additionally, what is the impact of DOJ's aggressive actions and questionable tactics, particularly aimed at immigrant communities, on ongoing efforts involving community policing? Such actions and practices may lead to the erosion of trust necessary for building partnerships between law enforcement and the communities they serve—partnerships vital in both effectively fighting crime and successfully combating terrorism. In seeking to inform and educate Asian American communities, comparative research that identifies how post-9/11 government enforcement actions compare and contrast to those used in Asian countries would be useful.

Asian American advocacy has focused on educating Asian American communities and key public officials. After 9/11, the need to invest resources into public opinion research in order to generate communications strategies with the goal of framing public discourse has become even more pronounced.

Finally, further research is needed on issues facing the South Asian communities—a population that has experienced dramatic growth in recent decades. While Asian Americans as a whole have been understudied by researchers, there is even less known about South Asian Americans in terms of their demographic and socioeconomic characteristics. While there is some research on Indian Americans, there has been little research done on Pakistani, Bangladeshi, and Sri Lankan Americans. There is even less known about individuals from Nepal, Bhutan, and the Maldives, as the U.S. Census Bureau does not collect detailed information on these much smaller South Asian groups. Even before 9/11, researchers should have paid more attention to this understudied group, but the discriminatory impact of 9/11 on South Asian American communities has further underscored the need for more research on South Asians in the U.S. Detailed, accurate, and current data on South Asians will be necessary in assessing the impact and implications of existing and proposed policies.

Legalization

Before 9/11, advocates had been working to promote an earned legalization program that would create comprehensive programs for temporary workers, granting them full protection under civil rights, labor, health, and safety laws. Such efforts have since been stalled, and the stakes around legalization have increased exponentially as the DOJ has taken a number of steps aimed at identifying, detaining, and deporting undocumented immigrants without extending the rights to due process. The problem is particularly severe for Pakistani immigrants, many of whom have been caught up in the registration process without any viable paths toward legalization.

The Immigration and Naturalization Service (INS) recently estimated that approximately seven million immigrants living in the U.S. do not have legal status (U.S. Immigration and Naturalization Service 2003). While the issue of undocumented immigration is seen primarily as a Latino issue, Asia is among the leading

source regions for undocumented immigrants to the U.S. China, in particular, is a significant source of undocumented immigrants. In 2000, the INS estimated that there are at least 115,000 undocumented Chinese immigrants living in the U.S., which represents a 60 percent increase from the 70,000 estimated in 1990 (Schmidley 2003). NAPALC believes this is an underestimate of undocumented Chinese immigrants. NAPALC also believes that there are a significant number of undocumented immigrants from countries such as the Philippines, Korea, India and Pakistan. A significant number of immigrants with temporary status as workers, students, or visitors who overstay their visas are from Asian countries.

Answers to the following questions are critical to the ongoing policy debate around legalization: From where are undocumented immigrants coming, and why? Are they coming to join family members, to seek asylum, or to work? Once they arrive, where do they work? Are they living in households mixed with legal permanent residents and citizens? What impact would there be on our economy and on undocumented immigrants' families and communities if they were deported in mass numbers? Research should address these important issues.

Employment Discrimination

While employment discrimination against Asian Americans existed well before 9/11, like many other problems it has only gotten worse. The Equal Employment Opportunity Commission (EEOC) has been tracking charges alleging discrimination related to the events of 9/11 by individuals who are or are perceived to be Arab, Muslim, Afghani, Middle Eastern, or South Asian. Between September 11, 2001 and September 10, 2002, 654 charges alleging retaliation related to the events of 9/11 have been filed.¹³ Among Asian Americans, South Asian and Sikh Americans have been particularly vulnerable to incidents of employment discrimination.

Employment discrimination has also been a serious problem affecting immigrant non-citizens, including many Asian American legal permanent residents. Under the Airport Transportation Safety Act, which was legislation that passed after 9/11, non-citizens are barred from being employed as screeners at airports; this is in spite of the fact that approximately 31,000 legal permanent residents are currently serving in our armed forces, and several of the dead, wounded, and missing in action in the war with Iraq

were either immigrant non-citizens or the children of immigrant non-citizens (Wilkie 2003).

The EEOC has been notable in its efforts to track the increase in employment discrimination against those who are or appear to be Arab or Muslim since 9/11 and to make this information widely available to the public. Further data disaggregated by ethnicity, gender, age, class, and immigrant status would be useful. Data regarding any increase in discrimination since 9/11 in other areas such as housing and education has not been as readily available and accessible.

Surveys and other research on the issue of employment discrimination in various sectors are important. For example, surveys looking into the effects of the “glass ceiling” could be done to examine senior management in the Fortune 200 companies or in sectors such as banking and financial services, telecommunications, and manufacturing. Resumes that are identical except for the names could be sent to potential employers with some of the names being identifiably Asian, as was recently done in research looking at resumes with Anglo versus African American sounding names (Bertrand and Mullainathan 2002). Paired testing studies of minority and non-minority applicants with equal qualifications applying for jobs would be useful in determining the extent to which employers rely on discriminatory practices in hiring decisions. This type of study was recently conducted to assess discrimination against Asian Americans in housing practices with very disturbing results (Turner et al. 2003).

Researchers may want to explore the extent to which employment discrimination may have impacted Asian American immigrant communities. For instance, many of the airport screeners in California were legal permanent residents of Pilipino descent. With the new citizenship requirement for airport screeners, many Pilipino airport screeners lost their jobs. What was the impact on immigrant communities who relied heavily on these jobs? Why have some U.S. citizens of Pilipino descent failed to qualify for the new jobs?

The Effects of Welfare Reform

The 1996 changes in federal welfare reform policies and the changes developing in state and local policies have had a severe impact on Asian American communities, as both legal and undocu-

mented immigrants have been affected by harsh policies regarding eligibility for benefits. Unemployment and poverty rates had been growing even before 9/11, but since then conditions have only worsened.

Studies of the effects of welfare reform on Asian Americans are vitally important and necessary, particularly since the existing limited research indicates that Asian Americans may be disproportionately losing eligibility due to the inability of limited English proficient immigrants of finding living-wage jobs after the designated time limits.

While current reports assessing the impact of welfare reform do exist, they often do not include Asian Americans in their analyses—which is difficult to comprehend considering that Southeast Asian groups suffer from extremely high poverty rates. In 1990, the Hmong community had a poverty rate of 66 percent (U.S. Bureau of the Census 1990). To date, there has been very little current data and analysis outlining detailed unemployment and poverty statistics among Southeast Asians other than what community-based organizations such as the Southeast Asia Resource Action Center (SEARAC) and Hmong National Development (HND) have been able to produce.

Voting and Voting Rights

Voting rights has always been an important issue for Asian American communities, but in this post-9/11 environment of increased hostility toward immigrants and minorities, the issue has taken on an increased sense of urgency. While community-based organizations have been working to support policies that remove barriers to voting, new barriers affecting Asian American voters have been constructed since the 2000 presidential election.

Under provisions of the Help America Vote Act (HAVA) of 2002, states must implement more stringent identification requirements for all new voters registering by mail.¹⁴ Such provisions may alienate and disenfranchise new Asian immigrant voting communities. In the post-9/11 world it is also likely that certain immigrant and minority groups may be targeted for “special” identification requirements in violation of current voting laws by discriminatory poll workers and election officials.

Research will be needed to assess the impact of HAVA as it will be important to see if the new identification requirement will

indeed alienate and disenfranchise new Asian immigrant voters. Researchers could also examine the attitudes of poll workers and election officials toward immigrant and minority groups as a way of seeing to what extent discrimination may be a problem at the polls.

In addition, when there is little available data on Asian American voting patterns, Asian American constituents either become invisible or their views can be misrepresented. As a result, some Asian American advocacy groups have been collecting their own voting and polling data. In 1996, exit polling conducted by the Asian Pacific American Legal Center (APALC) and the Asian Law Caucus (ALC) in California as part of a NAPALC voting rights project disproved the Voter News Service's (VNS) assertion that Asian American voters favored Republican presidential candidate Bob Dole over Democratic candidate Bill Clinton. When confronted with this contrary evidence, VNS was forced to admit that it had sampled so few Asian Americans that the margin for error was 10 percent (Cheng 1996).

Asian American researchers and others have also recently begun the important work of looking at the concerns of specific Asian ethnic communities, rather than simply examining the views of Asian Americans as a whole (Lien, et al. 2001; New California Media and USC Annenberg Institute for Justice and Journalism 2002).

Until recently, exit polls and opinion surveys reported in newspapers across the country routinely failed to include data on voting patterns and political views of Asian Americans. Because there is such little research on the opinions of Asian Americans, there is a persistent mainstream belief that holds Asian Americans' views as interchangeable with that of whites. Whether the issue is voting or marketing, Asian Americans' opinions, preferences, and needs should be made known to elected officials, corporations, and other institutions.

Language Access and Language Rights

The need for government information and services has grown because of the deteriorating economy, the lack of information on emergency preparedness, and the myriad new federal and state programs and laws seeking to address national security concerns. Yet the federal government has done little to implement Executive Order 13166, which requires that all federal agencies and federally

assisted programs enact a system that ensures that limited English proficiency persons have full access to federally funded services.¹⁵ The issue of language access and language rights disproportionately affects Asian American communities as 35 percent of Asian Americans are limited English proficient (U.S. Bureau of the Census 1993).

Language barriers affect the experience that Asian Americans have with the government and the legal system. Limited English proficient Asian Americans often avoid seeking the services of government agencies and legal aid groups due to the lack of bilingual staff members. As a result, these groups and agencies, which often determine need by the requests and inquiries they receive regarding their services, fail to adequately assess and serve the needs of Asian American communities.

There is a small growing body of documentation on the consequences of language barriers on health and health care, but there is still very little research looking into the impact of such barriers in the criminal and civil legal systems, housing, domestic violence, and other areas. There is also a dearth of published research on language access in education. Some research has been done on the effects of bilingual education on Spanish-speaking children, yet very little is known about what types of services are available to Asian immigrant children.

The recent passage of the No Child Left Behind Act (NCLB) of 2001¹⁶ makes the need for such research in education even more imperative as it requires an increase in high stakes testing. The degree to which such changes may result in even higher numbers of immigrant children dropping out or being left behind in failing schools should be examined.

Access to Legal Services

The backlash that has resulted against immigrants and minorities since 9/11 has highlighted the limited access to legal services available to Asian Americans. Legal services are grossly insufficient in areas such as family, immigration, and criminal law. Language barriers and a lack of attention by much of the legal aid community already reeling from funding cutbacks over the past decade are among the many issues that contribute to the problem of limited access to legal services on the part of Asian immigrants.

NAPALC has conducted some assessments of the problem, and together with APALC, its affiliate in Los Angeles, and one of

its community partners in Washington, D.C., the Asian Pacific American Legal Resource Center, has explored model programs. However, much more comprehensive research looking into the needs for and barriers against access to legal services for Asian Americans will be necessary in order to build a truly effective policy agenda.

Conclusion

The same issues that Asian American advocacy groups sought to address before 9/11 still persist, and conditions in most cases have only worsened as a result of the deteriorating economy and the backlash against immigrants and minorities after 9/11. In this post-9/11 era of shrinking resources, a higher level of dialogue between research institutions and community-based organizations will be critical. Now more than ever, a pooling of ideas and resources through partnerships and collaborative efforts will have an important and lasting impact.

Given the growing complexity of the issues facing Asian American communities in the post-9/11 era, it is imperative that community leaders and advocates have access to applied, scientifically based research. Systematic quantitative data is necessary to allow government institutions and advocacy groups to track trends over time, enforce civil rights, and identify problem areas, as well as areas in which progress has been made. At the same time qualitative community studies showing the impact of racial discrimination in its various forms on Asian Americans illuminate some of the social problems facing Asian American communities at a deeper level. On the policy end, case studies that highlight best practices can also be useful.

The hope is that the end goal will be to initiate fair, effective, and meaningful policies that touch on the lives of Asian Americans, their families, and their communities.

Notes

1. The authors would like to acknowledge and thank Jacinta S. Ma, Legal and Policy Advocacy Associate at The Civil Rights Project, and Harvard law student Angela Chan for their assistance on this project.
2. The focus of this article is on Asian American communities and does not attempt to catalog the wide range of serious issues facing the Pacific Islander communities.

3. Another collaborative effort was a report entitled "Economic Needs of Asian Americans and Pacific Islanders in Distressed Areas: Establishing Baseline Information," which was funded by a grant made by the Economic Development Administration to the National Coalition on Asian Pacific Americans Community Development (NCAPACD), the Little Tokyo Service Center, and the UCLA Asian American Studies Center.
4. There are some notable reports produced by national Asian American advocacy groups. For example, Asian American/Pacific Islanders in Philanthropy published a report on education issues, entitled "An Invisible Crisis: The Educational Needs of Asian Pacific Youth." In 2001, the Asian Pacific American Labor Alliance/AFL-CIO partnered with the UCLA Labor Center in publishing a summary reporting on the first California State Assembly hearing on Asian American workers. In 2003, the Southeast Asia Resource Action Center published a report entitled, "A Dream Denied: Educational Experiences of Southeast Asian Youth." The Asian Pacific Islander American Health Forum has published a series of reports on health-related issues. There are also some notable reports produced by Asian American regional and local advocacy groups. For example, the Asian American Federation published a report after 9/11 called, "Chinatown One Year After September 11: An Economic Study" in 2002 and a report entitled "Asian American Elders in New York City" in 2003. The Asian American Institute in Chicago has published a series of reports including "Housing Needs Assessment of Asian Pacific American Community in Chicago" and "Asian American Political Empowerment Initiative in Illinois." The Asian Pacific American Legal Center of Southern California has issued numerous reports on census data, voting surveys, and welfare reform.
5. Noting the growing need in this area, Asian American and Pacific Islander (AAPI) advocates worked with AAPI political appointees to successfully persuade the Clinton Administration to launch a White House Initiative on Asian Americans and Pacific Islanders in August 2000. The centerpiece of this initiative has been the creation of a President's Advisory Commission on Asian Americans and Pacific Islanders, which in January 2001 produced an Interim Report to the President entitled "A People Looking Forward: Action for Access and Partnerships in the 21st Century." While significantly underfunded by both the Clinton and Bush Administrations, the White House Initiative has continually sought to push federal agencies to collect, analyze, and disseminate statistical data relevant to AAPI communities.
6. NAPALC is a national organization based in Washington, DC that works to advance the legal and civil rights of Asian Pacific Americans through litigation, public education, and public policy.

7. This article does not attempt to catalog every policy issue but highlights the issues on which NAPALC has expertise as well as many of the issues covered by coalitions in which NAPALC is active. For example, there are a multitude of health (impact of 9/11 on Asian immigrants with post-traumatic stress syndrome), labor (impact of post 9/11 policies on labor organizing), gender (impact of 9/11 environment on domestic violence and on families), media (quality of news coverage and portrayals or lack thereof in entertainment media), housing and economic development issues not covered in this article.
8. The *Backlash* report is part of an annual series produced by NAPALC that documents hate crimes against Asian Americans. NAPALC has been publishing its annual *Audit of Violence Against Asian Pacific Americans* since 1993.
9. The increase in hate crimes since 9/11 involving Asian American victims, the majority of whom were South Asian, is well documented by many other groups, including the South Asian American Leaders of Tomorrow (SAALT), the Sikh Mediawatch and Resource Taskforce (SMART), and the Sikh Coalition.
10. To date, the Sikh Coalition has documented approximately fifty incidents of racial profiling against Sikh Americans since 9/11, the majority of which have involved airport profiling. The Sikh Coalition defines airport profiling as “causing a person to be searched, questioned, or harassed more than other air travelers by airport, airline or government personnel based on their race, color, religion, gender, ethnicity or national origin.” See <http://www.sikhcoalition.org>.
11. One exception is a report published in 2001 called “Police Profiling in Southeast Asian Communities,” which highlights how profiling by law enforcement has affected Hmong communities in the Midwest.
12. *Anti-Terrorism and Effective Death Penalty Act of 1996*, Pub. L. No. 104-132, and *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Pub. L. No. 104-208.
13. Clear Law Enforcement for Criminal Removal Act (CLEAR) (H.R. 2671) and Homeland Security Enforcement Act (HSE) (S. 1906).
14. Since this is a new category, there is no point of comparison for the same reporting period during the previous year. Under the established “Religion-Muslim” category, there were 706 charges of employment discrimination from September 11, 2001 to September 10, 2002, representing an increase of nearly 120 percent as compared to the same reporting period from the previous year. Statistics and further information can be found at <http://www.eeoc.gov/origin/z-stats.html>.
15. *Help American Vote Act of 2002*, Pub. L. No. 107-252.

16. *Executive Order 13166*, 65 Fed. Reg. 50121 (August 16, 2000).
17. *No Child Left Behind Act of 2001*, Pub. L. No. 107-110.

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