COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

THE STATE OF Asian Americans & Pacific Islanders IN WASHINGTON

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Commission on Asian Pacific
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Message from the Chair

Governor Gregoire, members of the Legislature, state agency directors and the people of the great state of Washington:

The Commission on Asian Pacific American Affairs is pleased to present ***The State of Asian Americans and Pacific Islanders in Washington***, which documents the diversity, population growth, health, economy, educational and political participation, language, and immigration issues facing Asian Americans and Pacific Islanders today. This report is the first to comprehensively describe the current status of the Asian American and Pacific Islander community in Washington.

As Asian American and Pacific Islanders are one of the fastest growing minority groups, this report will help public policymakers in all fields gain a better understanding of the issues facing the community. Over 470,361 Asian Americans and Pacific Islanders representing more than 47 distinct communities call our state home and enrich our lives through their heritage and meaningful contributions.

Over the past 36 years, the Commission has worked to improve the well-being of Asian Pacific Americans by ensuring their access to government, business, education, and other areas. As we reflect on the progress our community has made, we also examine the current obstacles in the policy arena that still exist. The current contributions, needs, and challenges highlighted in this report indicate the significant role Asian American and Pacific Islanders will play in the future of Washington.

I, along with my fellow commissioners, would like to thank Governor Gregoire and the legislature for their continued support of the Commission on Asian Pacific American Affairs. We would also like to thank our state leaders, agencies, and community organizations for their commitment and partnership in working to improve the lives of Asian Americans and Pacific Islanders in our great state.

Sincerely,

Jagdish Sharma, Chair
Commission on Asian Pacific American Affairs

Acknowledgments

We'd like to thank those who contributed to producing this report on the State of Asian Americans and Pacific Islanders in Washington, the first comprehensive report on the state of APAs produced by the Commission on Asian Pacific American Affairs of the State of Washington.

The primary research and drafting of this report was done through a partnership between the Fred T. Korematsu Center for Law and Equality at Seattle University School of Law and attorneys from Perkins Coie LLP, volunteering their time. Elizabeth Lee, an attorney at Perkins Coie, oversaw this project, with the help of Kanika Chander, another attorney at Perkins Coie. In addition, Perkins Coie provided invaluable editorial research support.

The team that did the primary research and drafting included Kanika Chander (Attorney, Perkins Coie); Robert Chang (Professor of Law and Director, Fred T. Korematsu Center for Law and Equality, Seattle University School of Law); Kerry Fitz-Gerald (Reference Librarian, Seattle University Law Library); Ben Henry (ACLF/CAPAA Fellow, University of Washington Evans School of Public Affairs); Elizabeth Lee (Attorney, Perkins Coie); Melinda Shelton (Student Fellow, Korematsu Center, Seattle University School of Law); Evangeline Simmons (Student Fellow, Korematsu Center, Seattle University School of Law); Adrienne Wat (Student Fellow, Korematsu Center, Seattle University School of Law).

We also acknowledge the contributions of Yi Zhao, Chief State Demographer, and Erica Gardner, Forecast Analyst for the Office of Financial Management.

Thanks also to Commissioners Albert Shen, Bee Cha, Debadutta Dash, Doug Heyamoto, Faaluaina Pritchard, Frieda Takamura, Jagdish Sharma, Jeannie Lee, Rey Pascua, Sofia Aragon, and Tanya Tran, as well as to members of our communities who provided invaluable feedback.

Additional thanks to the Korematsu Center at Seattle University School of Law for underwriting the printing of this report. The Korematsu Center is named after Fred T. Korematsu, who defied the United States government during World War II, when he and other Japanese Americans on the West Coast were ordered to appear at assembly centers, which were a way station for the internment camps where most ended up. He took his case all the way to the U.S. Supreme Court, losing there in 1944, before receiving vindication nearly 40 years later when his wartime conviction was overturned in 1983. He went on to champion the cause for justice and was especially active after 9/11 on behalf of Arab and Middle Easterners. He passed away in 2005. With the blessing of his family, the Center is named after him and works to honor his legacy. The Center engages in research, advocacy, and education to advance social justice.

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About the Commission on Asian Pacific American Affairs

The Commission

The Washington State Commission on Asian Pacific American Affairs is a statewide government agency created by a Governor's Executive Order in 1974, mandated by the state legislature to improve the well-being of Asian Pacific Americans by ensuring their access to participation in the fields of government, business, education, and other areas.[1]

The Commission consists of twelve members, appointed by the governor, serving voluntary terms. Appointments are for three years and members reflect a diversity of occupations, ethnicities, and geographic regions. CAPAA holds five public meetings a year.

The management, administrative, and advisement work takes place in Olympia by the Executive Director and Executive Assistant. The Executive Director is appointed and serves the Governor directly. Except for interns, the remaining staff are full-time employees of the State.

History

Due to pervasive discrimination and barriers in accessing government services, a group of local Asian Pacific American community members met with the Governor in 1971 to examine a broad range of issues facing the Asian Pacific American population in the areas of employment, education, social services, community development, immigration, and civil rights.

In January 1972, Governor Evans created The Governor's Asian Advisory Council by executive order. On February 26, 1974, the 43rd Washington State Legislature formally created The State of Washington Commission on Asian American Affairs as a state agency.

On April 17, 1995, Governor Mike Lowry signed a bill to change the Commission's name to The State of Washington Commission on Asian Pacific American Affairs to include Pacific Islanders. The Commission was formed by the Legislature over concern with the plight of those Asian Pacific Americans who, for economic, linguistic, or cultural reasons, find themselves disadvantaged or isolated from American society and the benefits of equal opportunity. The Legislature deemed it necessary to create the commission to carry out the following purposes:

[1] RCW 43.117 (2010).

- Improve the well-being of Asian Pacific Americans by ensuring their access to participation in the fields of government, business, education, and other areas.
- Help all Asian Pacific Americans achieve full equality and inclusion in American society.
- Aid Asian Pacific Americans in obtaining governmental services in order to promote the health, safety, and welfare of all the residents of this state.

Purpose

In order to meet its mission, the Commission on Asian Pacific American Affairs serves several functions and roles. Among them are:

- **Research and analysis:** To examine and define APA issues and to make recommendations to the governor, legislators, and state agencies with respect to desirable changes in program and law.
- **Advisory:** To advise the Governor, state and local public officials on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of APAs.
- **Education:** To educate APAs about laws, programs, and policies that affect its well-being.
- **Conduit and consultant:** To make government more accessible by serving as a conduit and consultant between APA communities and state agencies.
- **Resource:** To serve as a resource through research and educational materials, technical assistance, agency referrals, casework, community forums, for example.

Priority Areas

- **Education:** Access to quality, affordable, safe and culturally inclusive education.
- **Health and Human Services:** Access to quality, affordable and culturally appropriate health and social services.
- **Economic Development:** Equitable participation in economic, community, and workforce development.

Accomplishments

Over the past 36 years, the Commission on Asian Pacific American Affairs has engaged in advocacy, community education, and outreach, as well as interagency and community collaborations to improve the well-being of the APA communities. Among its past and current activities are:

- Helps create, establish, and maintain organizations and coalitions.
- Works with state agencies and community organizations on federal and local legislation.
- Organizes and helps coordinate conferences and community forums to identify, prioritize, and address issues.
- Provides legislative and policy updates to the community.
- Serves on committees and task forces providing a voice for the community.

- Issues reports on the state of Asian Pacific Americans in Washington.
- Coordinates statewide APA Heritage Month celebrations in the Month of May.

Commissioners and Staff

Commissioners

Albert Shen, King County

Bee Cha, King County

Debadutta Dash, King County

Doug Heyamoto, Spokane County

Faaluaina (Lua) Pritchard, Pierce County

Frieda Takamura, King County

Jagdish Sharma, Snohomish County

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Staff

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Part I: Asian Pacific Americans in Washington State

Asian Pacific Americans (APAs) are the nation's most diverse racial group by language, culture and religion. Within this group, over 47 ethnicities speak more than 300 languages and dialects. In many ways, APA communities in Washington are thriving. However, the relative success of some APA subgroups sometimes leads policymakers to believe that APAs are not in need of attention with regard to education, healthcare, the criminal justice system, economic opportunities, housing, and political participation.

It is important that the success of some individuals and certain APA subgroups not be attributed to the entire group as is done when Asian Pacific Americans are labeled as a monolithic model minority. Under this label, APAs are portrayed as "hardworking, intelligent, and successful."[2] This description represents a sharp break from past stereotypes of Asians as "sneaky, obsequious, or inscrutable."[3] But, the dominant society's belief in the "model minority" allows it to justify ignoring the unique discrimination faced by APAs. The portrayal of APAs as successful permits the general public, government officials, and the judiciary to ignore or marginalize the contemporary needs of very diverse communities.

Though this model minority stereotype is embraced by some APAs, this stereotype works a triple harm by (1) denying the existence of both present-day discrimination against APAs as well as the present-day effects of past discrimination; (2) masking the different barriers for and varied experiences of APA subgroups that span the socioeconomic spectrum, especially for Pacific Islanders and Southeast Asians; and (3) legitimizing the weaker social position of other racial minorities and poor Whites, where positive attributes of APAs are generally made to illustrate our ability to overcome discrimination and to juxtapose us with other racial groups, particularly, Blacks, whose failure to overcome discrimination is then improperly blamed on their lack of these cultural traits.

In this report, we take a closer look at the APA population to identify areas of need. We hope that this report will guide policymakers and influence how Washington works with the APA population. We examine education, healthcare, human services, the criminal justice system, economic opportunities, housing, and political participation.

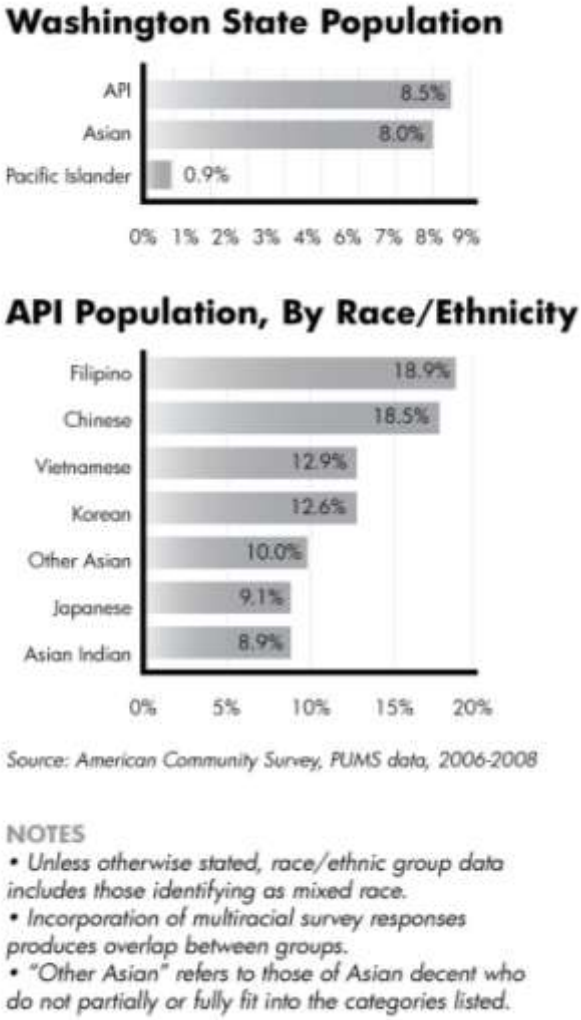
We begin, though, with an overview of the current Asian American and Pacific Islander communities in Washington. We then provide a brief overview of the history of APAs in the territory and state of Washington. This history helps us to understand many of the issues facing the APA communities. In particular, the history of discrimination accounts for some of the settlement patterns as well as why such a high percentage of APAs are

[2] U.S. Comm'n on Civil Rights, *Civil Rights Issues Facing Asian Americans in the 1990s*, at 19 (1992).
[3] *Id.*

foreign-born, with a high percentage of persons with limited English proficiency and the barriers that limitation presents in many areas.

Overview of the Current Asian American and Pacific Islander Populations

As mentioned above, Asian Americans and Pacific Islanders are the nation's most diverse racial group by language, culture and religion. Together, the groups cover more than 47 ethnicities and speak more than 300 languages and dialects. Historically, federal agencies combined Asian American and Pacific Islander into a single racial category — Asian and Pacific Islander — for administrative and statistical reporting. The two distinct communities found the consolidated category to be a disservice for purposes of resource and service allocations and called for two separate categories. In response, beginning in 2000 the U.S. Census Bureau separated Asian Americans and Native Hawaiian/Pacific Islanders into distinct groups.



However, Asian American and Pacific Islander ethnic groups have some commonalities, including how these groups are treated by U.S. institutions and other Americans. Because the groups often come together in coalition as Asian Pacific Islanders (API) or Asian Pacific Americans (APA) to address shared issues and experiences, and because data is still collected for these groups in the aggregate, this report and the presentation of data will often refer to APAs and APIs interchangeably.

This report provides an overview of the broader grouping of APAs and where data or research is available, discussion of disaggregated subgroups in Washington. In all policy discussions, however, a recurring theme will appear: APAs are a diverse mixture of distinct cultures and communities and disaggregated data is usually the only way that the unique attributes, barriers, and experiences are brought to the forefront.

Nationally, APAs are the second fastest growing racial or ethnic group after Hispanics.[4] According to the Census Bureau, the APA population is projected to grow 213% by 2050.[5] APA population growth, like Hispanic population growth, is largely due to immigration.[6]

Although only 5.2% of the national population, APAs make up 8.5% of Washington's population and comprises the largest racial minority group, followed by African Americans. In this section, we rely in large part on data from the American Community Survey because the last census was conducted in 2000 and the APA community has since experienced drastic changes. Although the American Community Survey contains more current data, it uses a population sample that is much smaller than the census and therefore may not always accurately reflect the APA community. For this section unless otherwise specified, the subgroups include those who identify as that ethnic or racial group alone, in combination with those who are mixed race.[7]

Nationally, 4.9% of the population identify as Asian[8] and 0.3% as Pacific Islander[9], the groups are 8.0% and 0.9% of the Washington population, respectively.

Filipino/mixed race Filipino and Chinese/mixed race Chinese make up the largest proportions of Asian ethnic groups in Washington, comprising 18.9% and 18.5% of the APA population, respectively.

Those who identify as Asian alone are the largest minority compared with other races, comprising 6.1% of state residents, compared to 2.6% identifying as Black or African American alone and 82.5% identifying as White alone.

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[4] U.S. Census Bureau, *The Asian Population: 2000, Census 2000 Brief: American Community Survey, 2002-7*, Tables C02003. Race-Universe: Total Population. Note that the U.S. Census data considers Hispanics an ethnic group rather than a racial group.

[5] Press release, *Census Bureau Projects Tripling of Hispanic and Asian Population in 50 Years; Non-Hispanic Whites May Drop to Half of Total Population* (Mar. 18, 2010) *available at* www.census.gov/Press-Release/www/releases/archives/population/001720.html

[6] U.S. Dept. of Health and Human Services, *Mental Health: Culture, Race, and Ethnicity: A Supplement to Mental Health: A Report of the Surgeon General*, at 40-41 (2001).

[7] We have drawn figures directly from Census and ACS reports or derived them from ACS Public Use Microdata Sample (PUMS) Files. Sometimes, our figures will differ slightly from those reported by others. For example, in order to capture multiracial APAs, we used recoded detailed race codes but used information provided in RAC3P rather than RAC2P. Minor differences may arise from the use of different recoded detailed race codes but these minor differences do not take away from the overall conclusions and recommendations.

[8] The Asian category, as determined by ACS, includes the following ethnic groups: Asian Indian Cambodian, Chinese, Hmong, Japanese, Korean, Laotian, Malaysian, Pakistani, Filipino, Thai, Vietnamese, and Other Asian. Other Asian includes Bangladeshi, Indonesian, Pakistani, Singaporean, and Sri Lankan, among others U.S. Census Bureau, *American Community Survey; Puerto Rico Community Survey; 2007 Subject Definitions* at 31 (2007).

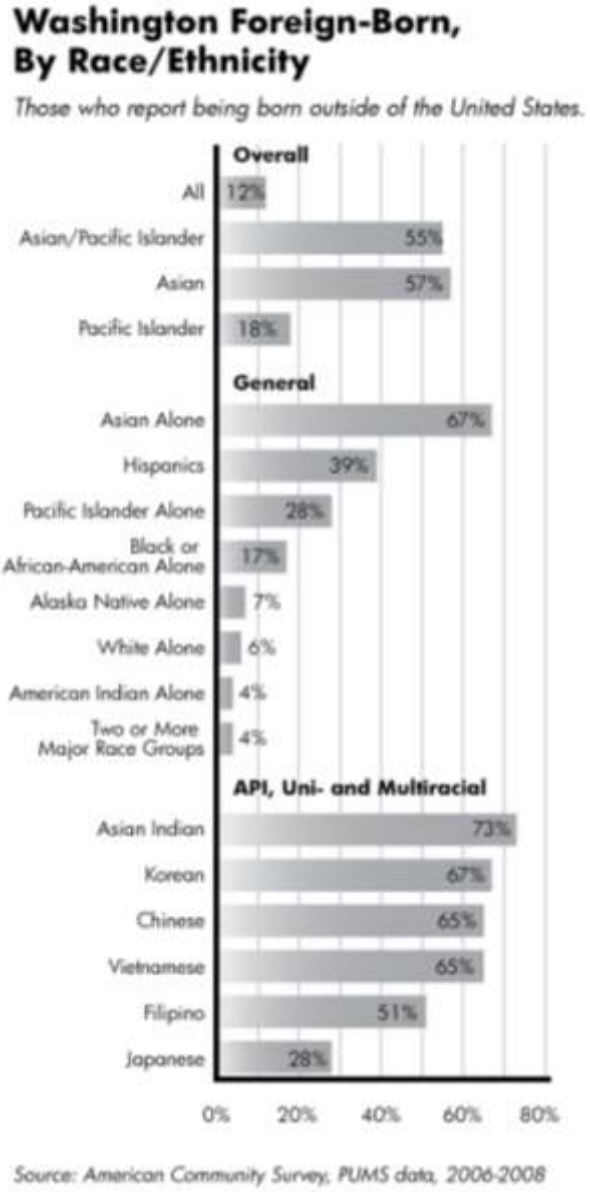
[9] Pacific Islanders, as determined by ACS, includes "a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands." *Id*.

Nativity of Asian Americans and Pacific Islanders in Washington

Between 1980 and 2008, the Asian population tripled, primarily due to immigration.[10] A large proportion of the APA community is made up of immigrants or recent descendents of immigrants. Of those who identified as Asian alone, an overwhelming 67% were foreign-born, compared to 12% of Washington residents overall. This proportion drops to 57% when mixed-race Asian and Asian-only populations are combined and 55% when mixed race Asian Pacific Islanders and Asian Pacific Islanders only are combined. When disaggregated, Pacific Islanders alone are about 2.5 times more likely to be foreign-born when compared to the general Washington population, with 28% reporting as foreign-born.

The diversity becomes more apparent when data is further disaggregated. Asian Indian, Korean, Chinese, and Vietnamese are most likely to be foreign-born, at 73%, 67%, 65%, and 65%, respectively. At the other end of the spectrum, only 28% of Japanese respondents reported being foreign-born.

Because of the unique attributes and needs of foreign-born residents, it is important for policymakers to understand the nuances of this population.



[10] National Center for Health Statistics, *Health, United States, 2009: With Special Feature on Medical Technology* 16 (2010), *available at* www. cdc.gov/nchs/hus.htm.

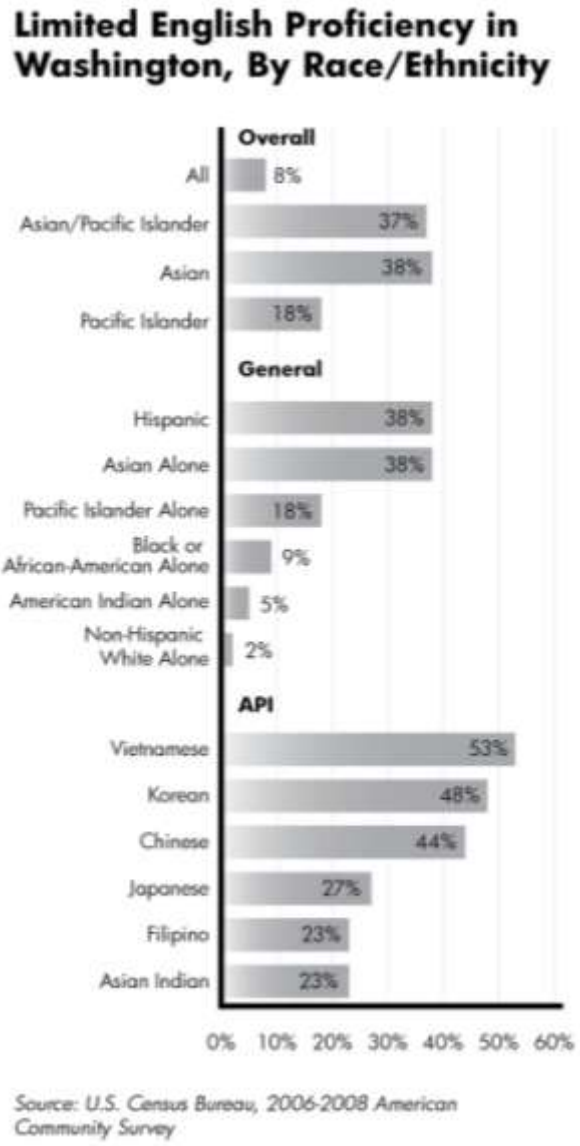
Prevalence of Limited English Proficiency in the APA Community

As discussed above, almost two-thirds of the Asian only population is foreign-born and over a majority of all APIs combined are foreign-born. It is no surprise then that language access is a major issue for the APA community.

According to the American Community Survey, which takes smaller sample sizes in between the decennial census, 37% of Washington survey respondents who identified as Asian or Pacific Islander have limited English proficiency (LEP) compared to 8% of all Washington residents.[11] The disaggregated data shows wide differences in language proficiency experienced across the different API subgroups, although all API groups face language issues far more than Washington's general population as a whole.

While 38% of those identifying as Asian alone reported speaking English not very well, 18% of those identifying as Pacific Islander alone fell into this category.

A look at the most populous Asian subgroups reveals additional discrepancies: 53% of Vietnamese, 48% of Korean and 44% of Chinese populations reported speaking English not very well. This can be compared with the lower LEP rates of 27%, 23%, and 23% for Japanese, Filipino, and Asian Indian, respectively. We emphasize, though, that even these rates are far higher than the overall LEP rate of 8% for Washington.



[11] The U.S. Census considers those who do not speak English "very well" to have LEP. *See e.g.* Asian & Pacific Islander American Health Forum, *Asian American, Native Hawaiian and Pacific Islander Population Demographics: 2006 Data* (2009) at 4, *available at* www.apiahf.org/images/stories/Documents/publications_database/hta_datachart%202006.pdf (finding that nationally, 36% of Asian Americans and 14% of NHPI have LEP versus only 9% of the general population has LEP).

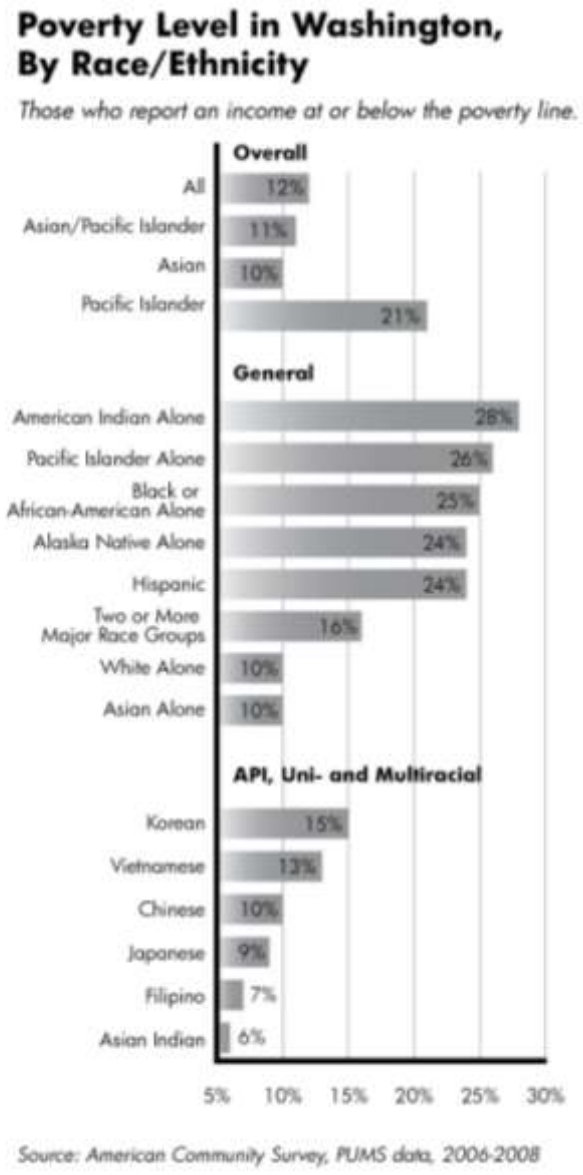
Limited English proficiency and the attendant barriers across issue areas is a recurring theme throughout this policy report. Language access is a fundamental barrier for many within the APA community to receiving effective critical human services, including medical and emergency services, education, and law enforcement efforts, as further explained below in this report. Data collection should aim to increase accuracy and ensure that some of the hardest to reach Americans are counted.

Poverty: APAs Represented at Both Ends of Economic Spectrum

On the aggregate, APAs are at the top of the income scale, with the highest education levels of any racial group. The poverty rate of APAs (10%) is similar to the rate of the state's general population.

The aggregate data, however, masks hidden poverty within the community. Once disaggregated, 21% of those reporting as Pacific Islanders or mixed-race Pacific Islanders are living in poverty. When further disaggregated, 26% of those reporting as Native Hawaiian and Other Pacific Islander alone are living in poverty.

Differences along the economic spectrum also exist within disaggregated Asian groups. According to 2000 Census data, 46.4% of Hmong, 25.9% of Indonesians, and 24.7% of Cambodians were living in poverty. In comparison to other racial and ethnic groups in Washington in 2000, 10.6% of Whites, 19.2% of Blacks and 24.9% of Hispanics were living in poverty.



Introduction to Asian Pacific American History in Washington[12]

In this section, we focus on the experience of Chinese, Japanese, and Filipino Americans during the period before 1965. We choose this date as a marking point because the 80+ years preceding 1965 were marked by a general policy of Asian exclusion through federal law and policy with regard to immigration and naturalization. The early patterns of migration, hostility, and exclusion experienced by early Asian immigrant groups set the stage for many of the issues facing APA communities today.

Like the other non-native immigrants to the territory of Washington, Chinese immigrants were drawn to Washington by economic opportunities. Some emigrated directly from China. For many others, the move to Washington was a secondary migration from California where many had initially been drawn by mining and railroad construction or from Hawaii where they had initially been recruited to work on sugar cane plantations. At first, Chinese immigrants were welcomed in Washington as a cheap labor source. The number of Chinese in Washington exploded from 234 in 1870 to 3,186 in 1880. However, anti-Chinese sentiment grew both nationally and locally.

In 1882, the United States government passed the first of a series of Chinese exclusion acts, specifically targeting Chinese by severely restricting Chinese immigration. These acts culminated in the Geary Act of 1892, an act called "the most draconian immigration law ever passed."[13] This Act remained valid for over fifty years. Although perhaps unnecessary because the naturalization statute only permitted White persons and persons of African nativity or descent to become naturalized, the Chinese exclusion acts included provisions specifically forbidding Chinese immigrants from becoming naturalized citizens.

For the Chinese already in the United States, the Chinese exclusion acts and other discriminatory treatment created a "feeling among the Chinese that they were allowed into this country only on the sufferance of the dominant White majority [which feeling] helped to foster alienation and uninvolvement in the larger society."[14] The number of persons of Chinese ancestry in the United States dropped from 107,488 in 1890 to 61,639

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[12] Some of the following material is drawn from Robert S. Chang, *Disoriented: Asian Americans, Law, and the Nation-State* (1999); Robert S. Chang & Catherine Smith, *John Calmore's America,* 86 N. C. L. Rev. 739 (2008); Robert S. Chang & Rose Cuison Villazor, *"Testing the 'Model Minority Myth'": A Case of Weak Empiricism,* 101 NW U. L. Rev. Colloquy 5 (2007); Brief of Amici Curiae Fred T. Korematsu Center for Law and Equality, Asian Bar Ass'n of Washington, South Asian Bar Ass'n of Washington, and Washington Women Lawyers, *Turner v. Stime*, No. 27037-8-III, Ct. App., Div. III of the State of Washington. 2009. Text drawn from previously published material appears with the permission of the authors and the respective journals and presses.

[13] Charles J. McClain & Laurene W. McClain, *The Chinese Contribution to the Development of American Law,* in *Entry Denied: Exclusion and the Chinese Community in America* 1882-1943, at 18 (Sucheng Chan ed., 1991).

[14] *Island: Poetry and History of Chinese Immigrants on Angel Island, 1910-1940*, at 28 (Him Mark Lai et al. eds., 1980).

in 1920.[15] In Washington, the numbers went from 3,260 in 1890 to 2,363 in 1920.[16] As their numbers dwindled, most Chinese remained within the security and familiarity of ethnic enclave Chinatowns while others repatriated. The decline in numbers can also be partially attributed to the gender imbalance that hindered family formation.[17]

In Washington, violence against Chinese immigrants rose after the passage of the federal Chinese exclusion acts. In one particularly egregious incident in 1886, 350 Chinese persons, nearly all the Chinese in Seattle, were forcibly removed from their homes, placed in wagons, and taken to the dock where they were forced onto steamers bound for San Francisco.[18] Similar "deportations" took place in Tacoma.[19]

The incident in Seattle left only a handful of Chinese, including "[a] small community of Chinese merchants . . . clustered around Second Avenue and Washington Street,"[20] which became the core of the Chinese American community until it shifted to King Street in 1910.[21] The few Chinese who were prosperous enough to leave Chinatown were limited by racially restrictive covenants and were able to move "up hill to First Hill and Beacon Hill in the 1930s . . . [as] these neighborhoods were the "only districts not covered by restrictive covenants."[22] This history of violence and ongoing discrimination determined the settlement patterns of the later arrivals from Asia. Japanese immigrants created a "Nihonmachi" or "Japantown" on the edge of Seattle's Chinatown.[23] Filipinos established a "New Manila" situated alongside "Chinatown" and "Little Tokyo."[24] This multiethnic array of communities eventually formed Seattle's International District, described by one commentator as a Pan-Asian American community.[25]

After immigration from China was severely curtailed, the demands for cheap labor were met by immigrants from Japan, the next group of APAs to immigrate to the United States and Washington in large numbers. Though most settled in California, a sizeable group settled in Washington, drawn initially by the agricultural industry.

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[15] See Roger Daniels: *Asian America: Chinese and Japanese in the United States since 1850*, at 73 tbl. 3.3 (Chinese American Population in California and Other Western States, 1870-1940).
[16] *Id.*
[17] *Id.* at 69 tbl. 3.1 (Chinese American Population, Sex, Citizenship, and Sex Ratio, 1860-1940). In 1880, the male to female ratio was 21.1 to 1; in 1920, it had dropped to 7 to 1. *Id.* The latter figure is deceptive though because most of the females were small children. *Id.* at 68.
[18] Quintard Taylor, *The Forging of a Black Community: Seattle's Central District from 1870 through the Civil Rights Era* 112 (1994).
[19] Daniels, *supra* note 15 at 59.
[20] Kate Davis, *Housing Segregation in Seattle: An Update of "A Study and Data on Segregated Housing in Seattle," Seattle Human Rights Department, 1976*, at 8 (2005).
[21] Doug Chin, *Seattle's International District: The Making of a Pan-Asian American Community* 22 (2001).
[22] Taylor, *supra* note 18, at 115-16. *See also* Chin, *supra* note 21, at 63 (noting that First Hill, Central Area, and Beacon Hill were the only areas without restrictive covenants).
[23] Taylor, *supra* note 18, at 117
[24] *Id.* at 123 .
[25] Chin, *supra* note 21, at 10.

As with the Chinese before them, Japanese immigration was soon met with severe political opposition. Anti-Japanese agitation led to two actions taken by President Roosevelt. The first was the Gentleman's Agreement of 1907 when Japan stopped issuing passports to laborers; the second was his Executive Order 589 which prevented remigration to the U.S. of Japanese laborers, primarily from the U.S. territory of Hawaii.[26] These restrictions did not apply to the immigration of Japanese women who came as "picture brides" of Japanese men already in the United States, though this immigration route was stopped when, under pressure from the United States, Japan stopped issuing passports to picture brides in 1920.[27] The final bar to Japanese immigration was the Immigration Act of 1924 that precluded immigration by any alien ineligible for citizenship.[28] Although this restriction was stated in a race-neutral way, the only people racially ineligible for naturalization were those of Asian ancestry.[29] But because a significant number of Japanese women immigrated, the Japanese American community had a much lower gender imbalance than did other Asian immigrant groups. Family formation enabled Japanese Americans to move up the economic ladder as they moved from farm workers to operating their own farms, often relying on unpaid family labor. There were significant barriers, however, to Japanese American agricultural success.

During much of Washington's early history and well into the second half of the 20th century, state laws severely limited economic opportunities for Asian immigrants. In Washington's early period, Asian immigrants were precluded from acquiring land through Federal Homesteading provisions, and Washington's Constitution severely limited the right of Asian Pacific Americans to own land.[30] Then, in response to a growing fear of Japanese American agricultural success, this Constitutional limit on alien land ownership was supplemented by the 1921 Alien Land Law, which also limited long term leases of agricultural land.[31] These restrictions, upheld in *Terrace v. Thompson*, 263 U.S. 197 (1923), severely hampered the ability of Japanese Americans to succeed in agriculture. The number of Japanese American operated farms dropped significantly after the passage of Washington's Alien Land Law.

Yet another major economic impediment was the restriction imposed on commercial fishing that kept Asian immigrants from taking "for sale or profit any salmon or other

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[26] Daniels, *supra* note 15, at 125.
[27] Sucheng Chan, *Asian Americans: An Interpretive History* 55 (1991).
[28] *Id.*
[29] *See Ozawa v. United States*, 260 U.S. 178 (1922) (holding that Japanese immigrant was not Caucasian and therefore not white and not racially eligible for naturalization); *United States v. Thind*, 261 U.S. 204 (1923) (holding that despite previous holding in Ozawa seeming to equate whiteness with Caucasian ancestry, that Punjabi Sikh, though arguably of Aryan and therefore Caucasian ancestry, was not white within the common meaning of whiteness for purposes of the naturalization statute).
[30] *See* Wash. Const. Art II, Section 33 (1889) (restricting property rights of aliens who had not declared their intention to become citizens).
[31] Wash. Laws, 1921, Ch. 50, §§ 1-11, Wash. Rev. Stat. §§ 10581-92 (Remington 1932).

food or shellfish in any of the rivers or waters of this state."[32] This restriction relegated many Asian immigrants to working as laborers in canneries to process salmon rather than operating fishing businesses of their own.

Against this backdrop of discrimination, education offered only a limited path toward upward social mobility for the "Nisei," American-born children of Japanese immigrants. Although education was emphasized, "from the eighth grade on, their performance declined for no ostensible reasons."[33] A group of researchers from Stanford conducted a series of studies from 1929-1933 on "how Nisei were adjusting to their environment," and besides reporting "various reasons that Nisei should not aspire to become professionals," noted that "there seems to be a widespread feeling … that white judges and jurors are prejudiced against a Japanese lawyer."[34]

Unchecked racism rendered the first generation of Japanese immigrants unable to naturalize, politically powerless, and economically disadvantaged by alien land laws and professional exclusion; the second generation faced discrimination that placed limits on educational and occupational aspirations and opportunities. Unchecked racism also led to the removal and confinement of nearly 120,000 Japanese Americans, a community lacking sufficient member lawyers to adequately challenge the incarceration and its conditions. Ironically, one of the cases that tested the legality of incarceration, *Yasui v. United States*, 320 U.S. 115 (1943), had as its defendant the first Japanese American to graduate from the University of Oregon School of Law, who was unable to obtain a job as a lawyer.[35] Another case testing the legality of the restrictions that led ultimately to the incarceration of Japanese Americans involved a native Washingtonian, Gordon Hirabayashi.[36] Hirabayashi was a senior at the University of Washington when the first Civilian Exclusion Order was issued on March 29, 1942, which "required the evacuation of the Japanese American residents of Bainbridge Island."[37] When a new order was issued about two months later requiring Japanese Americans living in the University District in Seattle to evacuate and report to assembly centers, Hirabayashi decided to resist and to bring a test case.[38]

As mentioned previously, Japanese immigrants created a "Nihonmachi" or "Japantown" on the edge of Seattle's Chinatown. This vibrant community was largely destroyed by the internment of Japanese Americans during World War II, and although 65-70% of the pre-war Japanese American residents of Seattle eventually returned to Seattle,[39] many located

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[32] *See Lubetich v. Pollock*, 6 F.2d 237. (W.D. Wash. 1925) (quoting and upholding Section 4, chapter 90, Laws 1923).
[33] Chan, *supra* note 27, at 114.
[34] *Id.* at 113-14 (citing Edward K. Strong, Jr., *The Second-Generation Japanese Problem* (1934)).
[35] *See* Daniels, *supra* note 15, at 178.
[36] *See Hirabayashi v. United States*, 320 U.S. 81 (1943).
[37] Peter Irons, *Justice at War: The Story of the Japanese American Internment Cases* 90 (1983).
[38] *Id.* at 91-92.
[39] Chin, *supra* note 21, at 75.

outside of Nihonmachi, especially the Nisei, second-generation Japanese Americans.[40] Though recent decades show greater levels of integration for Asian Pacific Americans, much of the APA population remains concentrated in the International District and in areas to the south and east of Seattle.[41] The lowest levels of integration of APAs exist in the north parts of Seattle, the areas that have historically been and remain the most White.[42]

Filipino immigrants were differently situated from Chinese and Japanese immigrants because the Philippines became a United States territory after the Spanish-American War.[43] As U.S. "nationals," Filipinos were neither aliens nor citizens of the United States.[44] As a result, when Asian exclusion was completed by the Immigration Act of 1924, which forbid the immigration of any alien ineligible for citizenship, Filipinos, as U.S. nationals, were not subject to the restriction. Filipinos became the next source of cheap labor and immigration from the Philippines grew dramatically in the late 1920s and early 1930s. Filipino immigrants were drawn to Washington as students and as laborers who found opportunities in agriculture, canneries, and in domestic service as well as other service sector jobs.

The increase in Filipino immigration led to conflict up and down the West Coast. Although the most well-known incidents took place in California, anti-Filipino violence began in Washington before moving down the coast. Much of this violence took place in central Washington in the Wenatchee and Yakima Valleys where Filipinos were driven out of some communities.[45] Local law enforcement appeared to be unable or unwilling to protect Filipinos from much of this violence, and in one incident, participated directly when "[i]n September 1937, State highway patrolmen and deputies deported 50 Filipino strikers from the county and threatened them with violence if they returned."[46] These efforts to drive Filipinos out of these farming communities appeared to be successful.[47] The violence that took place in central Washington farming communities played a significant role in future settlement patterns of later APA immigrants, helping to account for the low numbers of APAs in certain areas of Washington.

The federal government worked to address anti-Filipino sentiment in the same way that it had dealt with previous flare ups directed against earlier Asian immigrant groups, through changes in the immigration laws. The United States made the Philippines a

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[40] *See* Taylor, *supra* note 18, at 133 ("the Nisei rapidly moved beyond the physical and psychological boundaries of Seattle's prewar Nihonmachi").
[41] *See* Seattle Segregation Maps 1920-2000, *available at* depts.washington.edu/civilr/segregation_maps.htm.
[42] *Id*.
[43] *See* Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* 315 (1989).
[44] Chan, *supra* note 27, at 55.
[45] Stuart Marshall Jamieson, *Labor Unionism in American Agriculture* 211 (1975).
[46] *Id*. at 435.
[47] *Cf. Id*. at 211 ("Race conflict later involved other groups, particularly Negroes and Mexicans, as Filipinos in Yakima Valley decreased in number.").

commonwealth with independence to follow in ten years.[48] A sponsor of that bill, Senator Millard Tydings, argued, "It is absolutely illogical . . . to have an immigration policy to exclude Japanese and Chinese and permit Filipinos en masse to come into the country."[49] The Tydings-McDuffie Act reclassified Filipinos as aliens and limited immigration to 50 persons a year.[50] Exclusionists were still unhappy and pressured Congress, which passed a bill in 1935 to repatriate Filipinos, offering them free transportation to the Philippines "on the condition that they forfeit their right of reentry to the United States."[51]

The two other most populous APA subgroups in Washington, Koreans and South Asians, were not present in significant numbers in Washington until after 1965. Korean immigration began later than Chinese and Japanese immigration and was curtailed by Japan, which exercised colonial authority over Korea. Approximately 500 Korean nationals managed to leave Korea and enter the United States as political refugees between 1910 and 1924. This practice came to an end with the 1924 Immigration Act.[52] Korean remigration from Hawaii to the mainland was stopped by Roosevelt in a 1907 Executive Order.[53] Like the Chinese American community, the Korean American community suffered from a gender imbalance that hampered family formation. In 1920, only 25% of the mainland population of 1677 Koreans was female.[54] In 1940, the population of Koreans remained virtually the same, 1711,[55] with very few in Washington.

The situation of South Asians was unique because their racial or ethnographic status was unclear.[56] Between 1910 and 1917, immigration officials tried to limit Asian Indian immigration through the use of administrative regulations.[57] The 1917 Immigration Act, which created a geographic "Barred Zone," effectively ended immigration by Asian Indians.[58] Most South Asians settled in California. In Washington, one extreme act of violence took place in 1907 when "a band of white workers raided a lumber camp in northern Washington and chased several hundred [Asian] Indian workers across the

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[48] Takaki, *supra* note 43, at 331.
[49] *Id*. at 331-32 (quoting Senator Tydings).
[50] *Id*. at 332.
[51] *Id*. at 332-33.
[52] *Id*.
[53] *See Id*. at 272.
[54] *See Id*. at 270, 273.
[55] *Id*. at 270.
[56] Chan, *supra* note 27, at 55; *see also United States v. Thind*, 261 U.S. 204 (1923) (discussing ethnographic and racial theories with regard to South Asians).
[57] Chan, *supra* note 27, at 55.
[58] *Id*.; *see also* U.S. Comm'n on Civil Rights, *The Tarnished Golden Door: Civil Rights Issues in Immigration* 9 (1980) (discussing the establishment of the Asia-Pacific Triangle, an Asiatic barred zone, designed to exclude Asians from immigrating to the United States, but exempting an area that included Persia and parts of Afghanistan and Russia).

Canadian border."[59] Several outbreaks of violence left only a few South Asians who had been "recruited to work in the lumber industry" remaining in Washington.[60]

These discriminatory exclusion measures remained largely in effect until the passage of the 1952 McCarran-Walter Act, which permitted the naturalization of Asian immigrants and set token immigration quotas, with many countries being limited to 100 persons each year.[61] These quotas, based on national origin quotas established in 1921 and codified in the 1924 National Origins Act,[62] were not changed until 1965 when the McCarran-Walter Act was amended to abolish the national origins system as well as the Asiatic barred zone.[63] The 1965 amendments profoundly affected the development--or, as Professor Bill Hing states, the "remaking"--of Asian America:

> Families moved to "make themselves whole," and women joined their spouses. Workers, particularly in the secondary but also in the primary labor markets, immigrated to take advantage of new opportunities. Asian Americans multiplied, most often in regions and neighborhoods with the cultural and economic capacity to absorb newcomers.[64]

The end of the discriminatory token quotas led to tremendous growth in immigration of persons of Chinese, Japanese, Filipino, South Asian, and Korean ancestry, many of whom settled in Washington. Starting in the mid 1970s, a new wave of APA immigrants came as refugees from war-torn countries following the end of the Vietnam War. Refugee resettlement policy attempted to lessen the impact of refugees on communities by dispersing refugees of Vietnamese, Cambodian, Laotian, and Hmong ancestry throughout the United States.[65] But many of these families and individuals, placed initially in communities where there were very few persons of their ethnicity, found themselves

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[59] Bill Ong Hing, *Making and Remaking Asian American Through Immigration Policy*, 1850-1990, at 72 (1993).
[60] *Id*.
[61] 8 U.S.C. s 1101 (1988).
[62] *See The Tarnished Golden Door*, *supra* note 58, at 9-11. Except for aliens from the Western hemisphere who were exempt from the quotas, quotas for each nationality were set for 2% of the members of that nationality living in the United States based on the 1890 census. *Id*. at 9-10. The Act also provided that

> [t]he annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

Id. at 10 n.37 (quoting Law of 1924, ch. 190, 43 Stat. 153, 159, s 11(b)). Another provision excluding any alien ineligible for citizenship further limited Asian immigration. *Id*. at 10.
[63] *See Id*. at 11 (citing Pub.L. No. 89-236, 79 Stat. 911 (1965)).
[64] Hing, *supra* note 59, at 80. For a discussion of how the changes in immigration laws in 1965 affected those Asian immigrant groups already present in the U.S., *see generally Id*. at 79-120 (discussing significant effect on Chinese Americans, Filipino Americans, Korean Americans, Asian Indians, and the more limited effect on Japanese Americans).
[65] *See Id.* at 128-29.

culturally and linguistically isolated. Many then engaged in secondary migration, with Washington being one of the more popular states for resettlement.[66]

But even though naturalization rights had been secured for all Asian immigrants by 1952 and the severely restrictive quotas had been lifted in 1965, the history of violence and ongoing discrimination determined the settlement patterns of later arrivals from Asia. Much of this residential segregation was a product of both self-protection and racially restrictive covenants that greatly limited where Asian immigrants could settle.[67] These patterns of residential segregation occurred in Seattle and in other parts of Washington.[68]

One consequence of the early history of immigration restriction, followed by the lifting of those restrictions in 1965, and the large influx of immigration from Asian countries that followed, is that there is a very high percentage of APAs in Washington who are foreign-born. This has consequences with regard to education, healthcare, the criminal justice system, economic opportunities, housing, and political participation.

We explore these and other issues in the Parts that follow.

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[66] *Id*. at 130-32.
[67] *See Id.*
[68] *See generally* Calvin Schmid et al., *Nonwhite Races: State of Washington* (1968).

Part II: Social Conditions

Education

Policy Recommendations

- Develop and implement a strategic plan that fosters the cultural responsiveness of the public school system.
- Adopt a comprehensive data collection, research and evaluation plan to assess the reduction of achievement gaps over time. Collect disaggregated data in order to develop a complete assessment.
- Ensure that at-risk groups are included in all academic and co-curricular programs, beginning from early education and continuing through college, with access, information, and recruitment opportunities.
- Adopt effective English Language Learner (ELL) programs that span the time necessary for students to achieve academic English proficiency and employ well-trained bilingual/ELL teachers, aides and counselors.
- Engage Asian American and Pacific Islander families in schools.
- Support and create a comprehensive plan to provide adult literacy education to immigrants with limited English proficiency.

Asian American and Pacific Islanders celebrate their diversity and complexity. These communities are proud of the numbers of youth who complete high school and continue on to college and beyond, oftentimes with significant family sacrifices and commitments. However, not all Asian Americans and Pacific Islanders are succeeding in school.

As part of a larger effort to close Washington's academic achievement gap, the State Legislature (via HB-2587 Sec. 119, 1&2) funded two separate studies on Asian American[69] and Pacific Islander American[70] students in Washington public schools in 2008. This section provides a summary of the results of these studies and will refer to the two distinct groups as referenced in the two studies.

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[69] *See e.g.* Shirley Hune & David T. Takeuchi, *Asian Americans in Washington State: Closing Their Hidden Achievement Gaps* (2008), *available at* www.governor.wa.gov/oeo/educators/asian _american_ach_gap_report.pdf. The report separates out Pacific Islander groups, which us a diverse number of ethnic groups that share ancestral origins to common geographic locations that include Polynesia, Micronesia and Melanesia. Native Hawaiians, Samoans, Tongans, Guamanians or Chamorros, and Fijians are the largest ethnic groups among Pacific Islanders.

[70] David T. Takeuchi and Shirley Hune, *Growing Presence, Emerging Voices: Pacific Islanders and Academic Achievement in Washington* (2008) *available at* www.cwu.edu/~ectl/diversity/wastate/achgap_reports/ pacific_islander_report_122508.pdf.

The Model Minority Myth

The academic challenges faced by of APA students are obscured by both the "model minority" stereotype that assumes all APA students are academically successful and the practice of grouping disparate APA ethnic groups into a single category. High educational achievement does not extend to all groups that fall under Asian American (AA) and Pacific Islander (PI) categories. Instead, the model minority myth masks the academic struggles of AAs and PIs, silences students' voices and distances families and communities from assistance that would benefit youth in learning and thriving in school.

For example, AAs and PIs when combined had the lowest annual dropout rate (4%) compared to any other group surveyed.

Washington State Summary for Grades 9—12 (School Year 2007—2008)[71]						
Student Group	Net enrollment*	Total dropouts	Confirmed dropouts	Location unknown	GED completers	**Annual dropout rate**
All students	323,956	18,253	6,804	10,307	1,142	**5.6%**
Amer. Indian	8,814	1,017	359	596	62	**11.5%**
Asian/Pac Islander	27,271	1,090	348	712	30	**4.0%**
(combined)						
Asian	25,776	983	313	643	27	**3.8%**
Pacific Islander	1,495	107	35	69	3	**7.2%**
Black	17,442	1,567	478	1,029	60	**9.0%**
Hispanic	38,699	3,065	1,170	1,782	113	**7.9%**
White	226,631	11,088	4,310	5,922	856	**4.9%**
Unknown	5,099	426	139	266	21	**8.4%**
Special education	32,951	2,241	852	1,296	93	**6.8%**
Limited English	13,580	1,384	465	896	23	**10.2%**
Low income	99,469	7,586	2,722	4,442	422	**7.6%**
Migrant	5,427	412	186	220	6	**7.6%**
Female	158,230	7,863	2,866	4,551	446	**5.0%**
Male	165,725	10,390	3,938	5,756	696	**6.3%**

* Does not include students who transfer to another school or those still enrolled beyond their expected year of graduation.

However, when disaggregated, the dropout rate for AA high school students was 3.8%, while that for PIs was 7.2%. Unless acknowledged and addressed, the model minority myth prevents effective resource allocation to serve students in communities with distinct needs.

[71] Lisa Ireland, Office of Superintendent of Public Instruction, *Graduation and Dropout Statistics for Washington in 2007-08*, at 15 (2009), *available at* www.k12.wa.us/DataAdmin/.

Furthermore, aggregate data on AAs and PIs obscures the achievement gaps in these diverse communities. Consistent with other sections in this report, AAs and PIs are a collection of more than 47 ethnic groups with distinct histories and cultures in their homelands. Their experiences in the U.S. and with the U.S. government further contribute to differences in academic success within and across ethnic groups. Aggregated data diminishes the ability of educators, policymakers and other stakeholders to identify and assist students with academic difficulties and barriers to achievement.

Snapshot of Asian American Student Characteristics and Achievement

Asian American students make up 8% of Washington's students, of which 30% receive free or reduced lunch. In the aggregate, Washington Assessment of Student Learning (WASL) performance by AA students is strong compared with other racial and ethnic groups, but uneven by subject area, grade level, and student subgroup. Contrary to the stereotype, more than 40% of AA high school students are at risk of academic failure in math. WASL data further reveal that Filipino American and Southeast Asian American students are most at risk for experiencing alienation and marginalization in schools to varying degrees. Qualitative studies find that teachers favor East Asian students over these groups, sometimes stereotyped as low achievers and gang members.

According to 2000 Census data, 36% of AAs in the aggregate attained a bachelors degree or higher and was the most educated group in Washington.

Educational Attainment (Bachelors Degree or Higher) by Race/Ethnicity in Washington (2000)						
Total (%)	White (%)	Black (%)	AIAN (%)	AA (%)	NHPI (%)	Hispanic (%)
27.7	28.5	19.4	12.4	36.8	12.1	11.1

Educational Attainment (Bachelors Degree or Higher) among Asian American Ethnic Groups in Washington (2000)										
Asian Indian (%)	Cambodian (%)	Chinese (%)	Taiwanese (%)	Filipino (%)	Hmong (%)	Japanese (%)	Korean (%)	Laotian (%)	Thai (%)	Vietnamese (%)
58.4	6.6	49.6	66.8	35.2	10.7	43.2	33.2	5.0	37.4	15.7
Source: U.S. Census Bureau. 2000 Decennial Census. Tables DP-2. Profile of Selected Social Characteristics: 2000. Data Set: Census 2000 Summary File 4 (SF 4) — Sample Data										

Disaggregated data, however, reveals wide disparities. Among Taiwanese and Asian Indians, 67% and 58%, respectively, hold college degrees, whereas other Asian American ethnic groups, notably some Southeast Asian groups, fall below Blacks, Native Indians, Alaska Native and Native Hawaiians and Pacific Islanders (NHPIs), and Latinos. Their

high and low educational attainment reflects the selective migration of Asian professionals and those with little or no formal education, including many refugees.

Snapshot of Pacific Islander Student Characteristics and Achievement

In 2008, PI students comprised 0.6% of the total student population in Washington public schools, with a larger proportion in younger grades. Below is a general profile of PI students in Washington. PIs are frequently at a disadvantage in Washington, in part, because PIs are more likely to come from poor families and are often enrolled in schools in low-income neighborhoods. For example, 77% of Samoan students in Seattle public schools receive free or reduced price lunch. In addition, Samoan students are often less engaged in school (e.g., higher absences), show higher rates of daily absence (16%), short-term suspensions (11%) and dropout (10%) than other AA and PI students.

A substantial number of public school students are not meeting the academic standards based on WASL tests and PIs are not faring well in WASL science and math tests. PIs fall consistently behind both White and AA students and at times, the gap reaches or exceeds a 20% difference. For example, in 7th grade reading, 57% of PI students met the WASL standard, versus 76% of AA and 74% of White students. Considering that English is the primary language of a majority of PI students, their underperformance in reading and writing is not likely a language issue.

PIs are also less likely than the general population to continue on to higher education.

Percentages of Bachelor's Degree or Higher by PI Ethnic Groups in the U.S. and Washington, 2000

	Total (%)	PI (%)	Native Hawaiian (%)	Samoan (%)	Tongan (%)	Guamanian (%)	Fijian (%)
WA	28	12	16	7	13	13	4
U.S.	24	14	15	11	9	14	9

Source: U.S. Census Bureau. Table DP-2. Profile of Selected Social Characteristics: 2000.
Data Set: Census 2000 Summary File 4 (SF4) — Sample Data (1-in-6 households).

About 12% of all PIs in Washington have a bachelor's degree or higher versus 28% of the total population. Differences exist among PI subgroups as well: Fijians show the lowest percentage of those with at least a bachelor's degree (4%), followed by Samoans (7%). Relatively larger percentages of Native Hawaiians, Tongans, and Guamanians have at least a bachelor's degree or higher (16%, 13% and 13%, respectively). None of the higher education percentages of PI groups reaches Washington or U.S. rates.

English Language Learners (ELL)

English language proficiency broadens access to and opportunities for schooling and employment. According to the 2000 Census, AA students speak more than 100 languages and dialects with 40% speaking a language other than English as their primary language. The five largest language groups in Washington are Vietnamese, Korean, Chinese-Cantonese, Tagalog, and Khmer (Cambodian). Certain groups, including the Vietnamese (65.6%), Hmong (61.5%), Laotian (51%) and Cambodian (49.5%) experienced very high LEP rates. It is also important that the diversity within AA groups be recognized, with some members having been in the United States for generations, with others being recent arrivals. For example, the Chinese American community includes those who can trace their ancestry to Chinese immigrants who arrived in Washington in the late 1800s to those who are recent immigrants. It is important not to let the relatively high college graduation statistics for Chinese Americans overall to obscure the needs of Chinese American ELL students. About 14% of AA students are enrolled in Transitional Bilingual Instruction Program (TBIP). In addition to language barriers, more than half of Asian American ELL students receive free or reduced lunch, a much higher rate than those of AA students overall (31%) and the overall Washington student population (31%). Three quarter of PI students speak English as their primary language. The remaining 25% speak more than 50 languages and dialects. Despite the high percentage of English speakers, one in eight PI students is enrolled in TBIP, which reflects a higher rate of ELL participation (12%) when compared to all other groups (8%).

Due to language barriers, ELL students are less likely to be in Advanced Placement classes and meet the math requirement through other national testing. Currently, two out of three Asian American ELL students fail high school math WASL and face severe limitations in graduating from high school and pursuing higher education. Moreover, Asian American ELL students find their greatest challenge in science, which, as Washington educators point out, requires reading and comprehension skills in English as well as knowledge of the subject. Only 9% of Asian American ELL students met the WASL standard in science, compared with 43.9% of all AA and 46.7% of non-ELL Asian Americans.

English Language Learner students are underserved, under supported, and experience academic difficulties. Only one third of Asian non-native English speakers are enrolled in ELL programs and few have been provided language assistance programs and services in their native language. Teacher quality, teacher-ELL student ratio and years of support are inadequate and the teacher-centered pedagogy and mainstream-centered ELL curriculum alienate ELL students. Programs that result in English monolingualism (but not necessarily English proficiency) instead of bilingualism, negatively affect students' communications and relations with their families and communities. It is therefore, crucial that EEL students are provided adequate support and effective resources in order to attain English proficiency.

Health and Human Services

Policy Recommendations

- Ensure the needs of APA and LEP communities are included as Washington continues the dialogue on the state of its healthcare and healthcare insurance system and with regard to the delivery of other human services.
- Expand access to healthcare for uninsured and underinsured APAs.
- Support efforts to improve upon the quality of healthcare by promoting oral, linguistic and culturally competent healthcare professionals, services and resources.
- Invest in community-based health promotion and education programs.
- Washington has adopted federal data collection guidelines on race that separately identify Native Hawaiian and Pacific Islanders from Asian groups, but further disaggregation of specific subgroups would enable a more accurate assessment of health, healthcare access, insurance coverage and the delivery of other human services.
- Ensure that human services are made available to APA communities by providing adequate outreach to the affected communities, competent interpreter services and translated written materials, and by recognizing that community organizations often provide the crucial bridge between government services and LEP persons.

The Health Care & Education Affordability Reconciliation Act of 2010 and the Patient Protection and Affordable Care Act represent an unprecedented step forward in improving our national health care system. As the dialogue for further improvements to healthcare continue, Asian Pacific Americans must not be left out of the continuing dialogue on healthcare reform. Overall, racial and ethnic minorities tend to receive a lower quality of healthcare, even when access-related factors, such as insurance status and income are controlled.[72]

Healthcare access, insurance coverage and health disparities persist within these diverse communities. For example, disproportionate rates of cervical cancer, breast cancer mortality, stomach cancer, mental health conditions and other serious health impairments affect APA communities. Furthermore, effective prevention, diagnosis and treatment for many APA and immigrant patients require healthcare services that provide language access and are culturally competent. In a 1999 study conducted by King County Public Health, 7% of APAs reported that they experienced discrimination in receiving medical care, compared to 4% of Whites, 16% of African Americans and 2% of Hispanics/Latinos. When disaggregated, 8% of Chinese, 15% of Koreans and Filipinos, 5%

[72] Institute of Medicine, *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care* (Brian D. Smedley et al., eds., 2003).

of Japanese and Vietnamese respondents reported discrimination or being hassled or made to feel inferior due to their race, ethnic group or color.

Policymakers, healthcare agencies, advocacy groups, researchers and healthcare payers and administrators, among others, represent key stakeholders in this dialogue who have an interest in understanding the reasons for health inequities and healthcare disparities and designing methods to reduce or eliminate them. Ensuring equal access to quality health care can not only help prevent unnecessary disease and suffering, but will ultimately help Washington reduce costs for medical care as more people seek and receive preventative care instead of emergency care.

Federal and state law, in addition to department policies, mandate equal access to programs and services for all persons, including LEP individuals.[73] The laws reach a broad array of direct public programs and services, to less direct services, such as a child care provider who receives a food program subsidy from a resource and referral organization. State resources must be allocated in such a way so that all Washington residents are provided meaningful access to important programs and services. The broad array of programs and services include law enforcement agencies, domestic violence shelters, special education programs and social services agencies.

Access to Quality Healthcare

Limited English Proficiency and Culturally Competent Services

According to the Institutes of Medicine, poor communication between providers and patients can lead to dangerous medical errors and cost the national healthcare system more than $69 billion each year. The American Hospital Association supports incentives for making appropriate language services available when and where they are needed. Federal law requires that any federally funded health care program (including Medicare and Medicaid) must provide interpreter services. In January 2009, California strengthened this federal requirement by becoming the first state to provide patients with limited English proficiency the right to an interpreter from their commercial health and dental plans.

Because of the diverse backgrounds of many immigrant populations, additional medical professionals from diverse APA communities will increase the likelihood that APA patients receive linguistically appropriate and culturally competent services. As the diversity of our state increases, providing interpreters and translators makes good business sense for doctors who want to increase their patient base.

[73] 42 U.S.C. § 2000d, *et. seq.*; RCW 74.04.025 (2010).

Insurance

Those with a stable source of healthcare and insurance are more likely to receive a variety of preventative healthcare services, the benefits of which include more effective diagnosis, care management, continuity of care and often, less costly medical care. The uninsured are more likely to use emergency departments, be hospitalized for potentially avoidable health conditions, be diagnosed with late-stage cancer and in the case of pregnant women, delay receiving prenatal care.

In 2006, the Center for Disease Control reported that in Washington, 89% of APAs under age 65 reported having health insurance in comparison to 86% of Whites. However, only 74% of Native Hawaiian and Pacific Islanders (NHPI) reported having coverage. The Washington State Department of Health, in its 2007 study *Access to Primary Health Care Services*, found that while 96% of Washington children had health insurance (which included Medicaid), only 88% of APA children had a personal health care provider compared to 94% of Whites, suggesting that despite coverage, APA children were less likely to have a usual source of care.

Health Disparities

For decades, APAs were perceived as one homogenous group when studying conditions like breast cancer and heart disease, leading to false conclusions that did not take into account the health disparities among different ethnicities. The reality is that APA subgroups can face dramatically different risks for developing certain diseases. Furthermore, the unique language needs and cultural components of the diverse ethnicities require directed targeting aimed for effective prevention and screening. In a study, the Cancer Prevention Institute looked at ways to improve screening for colorectal cancer in Vietnamese adults. The study found that Vietnamese adults exposed to a simple public health campaign targeting their demographic were 1.4 times more likely to get screened than those who did not have such access. Although the results seem logical, the reality is that for decades, subgroups of APAs have been ignored in larger public health campaigns.

With the increasing recognition that data collection must aim to discern health disparities within and among racial and ethnic groups, health organizations are able to recognize trends and address issues more effectively. Factors that may cause health disparities and inequities include race and ethnicity, language proficiency, social determinants (e.g. employment, housing and education), health insurance, quality of healthcare, and diversity in healthcare workforce. Identified healthcare disparities for APAs include:

- **Hepatitis B:** Nationally, APAs account for over half of chronic hepatitis B cases and the resulting deaths from hepatitis B, the leading cause of liver cancer.[74]

- **Cancer:** Cancer is the leading cause of death among APAs even though they have lower cancer rates than Whites. In particular, lung cancer is the number one cause of cancer for APAs (except for Asian Indian women) and APAs experience higher incidence and death rates for lung, breast, cervical, liver and stomach cancer.[75]

- **Substance Abuse:** The rate of illicit drug use among Pacific Islanders is 9.1% higher than any other ethnic or racial group, and treatment admissions for stimulant abuse among APAs are nearly four times higher than total admissions for substance abuse.[76]

- **Mental Health:** APAs appear to have the highest lifetime prevalence rate of depression. Studies indicate APAs who use mental-health services are more severely ill than other groups suggesting that APAs delay seeking treatment. This delay is attributable to various factors, including the stigma associated with using mental health services and cultural and linguistic barriers to accessing such services.[77]

- **Tobacco Abuse:** Consistent with national rates, smoking among NHPI adults (21%) was significantly more common than the King County average (15%).[78]

Only in 2009 did the Washington Department of Health issue its annual report to include data based on race, ethnicity and gender. This report found that mortality rates among American Indian, Alaska Native and APA women in Washington have been steadily increasing since 1998, while the death rates for most other groups are declining. Only with such information can community organizations and health care providers properly address potential factors causing such alarming trends.

Access to Human Services

Given the high proportion of LEP individuals in the APA community, language access is a fundamental barrier for many to receiving effective critical human services, including medical and emergency services, education and law enforcement efforts. Communication barriers can affect everyday activities, such as shopping, using public transportation or

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[74] U.S. Dept. of Health & Human Serv., *Chronic Hepatitis B in Asian Americans, Native Hawaiians and Other Pacific Islanders: Background*, *available at* minorityhealth.hhs.gov/templates/content.aspx?ID=7240&lvl=2&lvlid=190.
[75] Asian & Pacific Islander American Health Forum, *supra* note 11 at 13 (2009).
[76] American Psychiatric Association, *Let's Talk Facts About Mental Health in Asian American and Pacific Islanders* at 1-2 (2009).
[77] *Id*.
[78] Public Health — Seattle & King County, *Public Health Data Watch: Health of Native Hawaiians and Other Pacific Islanders in King County*, Vol. 10, No. 1 at 2 (2008), *available at* www.kingcounty.gov/healthservices/health/data/%7e/media/health/publichealth/documents/data/datawatch_nhpi_aug2008.ashx.

running errands. In more ordinary activities, such barriers may be frustrating and embarrassing. However, where the ability to receive an essential public service relies on meaningful and effective communication, such barriers can affect a person's health, safety and civil rights.

As mentioned above, federal and state law, in addition to department policies, mandate equal access to programs and services for all persons, including LEP individuals.[79] In order to effectively address communication barriers for LEP individuals, there must be adequate outreach to the affected communities, competent interpreter services, translated written materials and recognition that community organizations often provide the crucial bridge between government services and LEP persons.

[79] 42 U.S.C. § 2000d, *et. seq.*; RCW 74.04.025 (2010).

Criminal Justice System

Policy Recommendations

- Provide resources to train police officers, probation officers, and other law enforcement agents with regard to cultural competency regarding APA communities.
- Work to ensure diversity at all levels of the criminal justice system.
- Ensure that culturally appropriate linguistic interpretation and translation services are offered to victims of crime at the time of reporting and throughout any court proceedings and procedures.
- Provide resources to address the problem of gangs within APA communities.
- Support efforts to reach out to and provide culturally appropriate awareness education for APA ethnic groups regarding the need to report crimes, including hate crimes and domestic violence.
- Support culturally appropriate services to victims and perpetrators of domestic violence within the APA community.

The primary areas of concern for the APA community in Washington with regard to criminal justice relate to domestic violence, gang intervention, and hate crimes. A related area for which there is very limited information is the extent to which cultural competency and language barriers affect the full provision of police services to APA communities. Diversity at all levels of the criminal justice system, from police officers to probation officers to judges, has a strong impact on the fair treatment of APAs in the criminal justice system, whether as those accused of crimes as well as those who are victims of crime.

Crime

Understanding how crime affects our communities requires complete, accurate and timely information for effective intervention, prevention and prosecution. In addition, the recognition of factors unique to certain immigrant and refugee populations will enable stakeholders, including community organizations, policy agencies and policymakers, to form effective alliances with hard-to-reach communities in order to address crime and delinquency.

National statistics from 2002 to 2006 on nonfatal violent crimes (such as rape, sexual assault, aggravated assault and simple assault) and property victimization showed that, overall, APAs experienced the lowest rate of violent victimization among all racial or ethnic groups. Furthermore, APA households experienced the lowest rate of property victimization compared to all other groups. However, among victims, APAs were more likely than non-APAs to be violently victimized by a stranger. Within the population, APA males were at a slightly higher risk of being violently victimized than females. APA

households were also equally likely as White, Black or Hispanic households to report property crimes to the police.[80]

As of June 30, 2009, 3.4% of those incarcerated in Washington identified as Asian.[81] This proportion is lower than the percentage of APAs in Washington. Disaggregated data, however, may provide more insight on incarceration within APA ethnic communities.

Of all murders and non-negligent homicides in Washington in 2008, 5.2% of victims were Asian, 73.2% of victims were White, and 21.1% were Black, while 7.3% of all such offenders were Asian, 50.9% were White and 19.5% were Black.[82] Asian offenders accounted for 2.6% of juvenile arrests and 2.2% of adult arrests in 2008.[83] However, a majority of reporting agencies in Washington do not provide the ethnicity of victims and offenders, further highlighting the need to provide consistent data collection methods across the state.

Domestic Violence

Domestic violence affects women from all backgrounds. Nationally, it is a leading cause of injury for women between the ages of 15 and 54, but violence can happen at any age. For Asian and Pacific Islander women, 12.8% reported experiencing physical assault by an intimate partner at least once during their lifetime and 3.8% reported having been raped. The rate of reported violence was lower than those reported by Whites (21.3%), African-Americans (26.3%), Hispanic, of any race, (21.2%), and American Indians and Alaskan Natives (30.7%).

Overall, domestic violence is chronically underreported.[84] However, the particularly low rate of reported incidents for APA women is likely attributed to additional challenges.[85] Such challenges for battered women, especially those from immigrant and refugee communities, include cultural beliefs and practices that rationalize and deny the existence of domestic violence within those communities as well as barriers to accessing public and private social service programs.

Given this tendency toward underreporting, the lack of comprehensive data in Washington for APA communities is not surprising. However, law enforcement statistics

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[80] Erika Harrell, Bureau of Justice Statistics, *Asian, Native Hawaiian, and Pacific Islander Victims of Crime* (2009) *available at* http://bjs.ojp.usdoj.gov/content/pub/pdf/cv03.pdf.
[81] State of Washington, Dept. of Corrections, *Population Summaries — Confinement Statistics*, (June 30, 2009), *available at* www.doc.wa.gov/aboutdoc/docs/FY09Q4-FactCard.pdf.
[82] Washington Association of Sheriffs and Police Chiefs, *Crime in Washington 2008 Annual Report*, 14 (2008), www.waspc.org/files.php?fid=2617.
[83] *Id.* at 35.
[84] Shannon M. Catalano, Bureau of Justice Statistics, *Criminal Victimization, 2003*, NCJ 2005455 (2004, *available at* http://bjs.ojp.usdoj.gov/content/pub/pdf/cv03.pdf.
[85] Patricia Tjaden & Nancy Thoennes, U.S. Dept. of Justice, *Extent, Nature, and Consequences of Intimate Partner Violence*, NCJ 181867 at 26 (2000), *available at* www.ojp.usdoj.gov/nij/pubs-sum/181867.htm.

suggest that the problem indeed exists. The 50 domestic violence-related homicides in Washington in 2008 made up 24.5% of all homicides.[86] Of that number, 10% of the domestic violence related homicides involved APAs.[87] Domestic violence also accounted for 10.7% of forcible rapes and 44.7% of assaults amounting to a total of 10.5% of all offenses.[88] Most domestic violence-related incidents do not rise to the level of homicide. Therefore, it is likely that domestic violence may be a reality for many more APA women.

Youth Violence and Gang Involvement

Juvenile crimes and youth gangs are major concerns in urban, rural and suburban settings alike. Gangs lure youth with the promise of safety, belonging, economic opportunity and a sense of identity. Communities that lack these social conditions are therefore also more likely to see youth gang involvement and violence. Youth violence and gang involvement are the result of many factors, including immigration history, intergenerational conflicts, mental health and substance abuse problems and socioeconomic context.

In Washington, Southeast Asian gangs, among others, have prompted attention from law enforcement agencies, media and community leaders. In a 2003 survey of 44 at-risk Cambodian American youth over two-thirds (68%) reported that they knew someone in a gang with access to alcohol and other drugs.[89] Activities of APA gangs vary from harmless association to violence and economic crimes. Although once known specifically for home invasion robberies, usually within their own ethnic community, the activities of APA gangs have become more varied, and now include other violent acts as well as highly sophisticated crimes such as counterfeiting, forgery and fraud.

High profile cases over the past 20 years have prompted increased law enforcement efforts, as well as the need to support community prevention efforts that emphasize the delivery of culturally competent services aimed at education, awareness and preventative measures to at-risk youth, their families and the affected communities.

Hate Crimes

Outright acts of discrimination against APAs are not without precedent in the U.S. Such acts have often been supported by state actions justifying negative treatment. For example, the Chinese Exclusion Act of 1882 singled out an entire ethnic group and prevented such individuals from coming to the U.S. In addition, the imprisonment of Japanese Americans during World War II is a travesty that affected the lives of many

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[86] Washington Association of Sheriffs and Police Chiefs, *Crime in Washington 2008 Annual Report*, 104 (2008), www.waspc.org/files.php?fid=2617.
[87] *Id.* at 114-16.
[88] *Id.* at 104.
[89] Warya Pothan, *Informal Assessment: At-Risk Cambodian Youth in Seattle* (2003), *available at* ethnomed.org/culture/cambodian/at-risk-camb-youth.

Washingtonians of all ethnicities alike.[90]

With a long history of legal discrimination, it is an unfortunate reality that hate and actions against APAs based on such hate continue. Hate crime in Washington is defined as criminal offenses that manifest evidence motivated by the offender's bias against the victim's race, religion, ethnicity, sexual orientation, disability or gender.[91]

During 2008, 236 hate crimes were reported in Washington, representing an increase of 17% over the previous year. Of these incidents, 50% were racially-motivated. Of the reported racially-motivated incidents, 81% were anti-Black and 5%were anti-Asian Pacific Islander. These incidents occurred in Clark County, Cowlitz County, King County and Pierce County.[92] Given the isolation of many APA communities and tendencies to distrust law enforcement, it is highly likely that racially-motivated incidents are underreported.

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[90] *See* C.N. Lee, 2010. "Anti-Asian Racism & Violence," *Asian-Nation*, *available at* www.asian-nation.org/racism.shtml.
[91] Washington Association of Sheriffs and Police Chiefs, *Crime In Washington 2008 Annual Report* (2008) at 118, *available at* www.waspc.org/files.php?fid=2617
[92] *Id.*

Immigration

Policy Recommendations

CAPAA endorses the recommendations put forward by the Commission on Hispanic Affairs in their 2009-2010 Washington State Latino/Hispanic Assessment Report: [93]

- Provide a path to citizenship for undocumented immigrants already in our country.
- Eliminate visa backlogs and ensure enough visas are available for future workers and immigrants.
- Protect all workers through robust enforcement of labor protections.
- Restore and enhance due process protections in the immigration system.
- Support legislation such as the DREAM Act, as part of comprehensive immigration reform.

Immigration policies and procedures play a powerful role in the lives of APA immigrants in Washington, affecting their family life, work opportunities and ultimately, their ability to succeed as contributing members in our state. In 2009, Asians comprised nearly 40% of all immigrants in the U.S., with more than 60% of that group being foreign-born.[94] Washington's foreign-born APA population includes naturalized U.S. citizens, lawful permanent residents ("greencard" holders), temporary workers and visitors and undocumented individuals. Given this broad spectrum, it is not uncommon to encounter "mixed-status" families whose members' immigration statuses differ. For APA immigrant families—and these mixed-status families in particular—the implications of both family reunification and deportation policies/procedures are paramount.

Current immigration policy creates preference categories based on family or occupation. Especially high demand from family members of U.S. citizens and permanent residents from certain countries, especially mainland China, India, and the Philippines, seeking to immigrate to the United States has produced years-long backlogs.[95] For example, the wait, from the time of initial application for an immigration visa from an unmarried son or daughter of a U.S. citizen is approximately seventeen years. The wait time for an

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[93] Washington State Commission on Hispanic Affairs (CHA), *2009-2010 Washington State Latino/Hispanic Assessment Report* at 37 (2009) [hereinafter *CHA Report*]

[94] Asian American Justice Center, *A Call to Action: Asian Americans and Immigration Reform* at 2 (2009), *available at* http://www.advancingequality.org/attachments/files/274/immigrationbrochure.pdf.

[95] 9 U.S. Dep't of State, Visa Bull. No. 19 (2010), http://www.travel.state.gov/visa/frvi/bulletin/bulletin_4747.html# (listing wait times for categories of applicants, current as of April 2010). Mexico is the only other country affected by the per country caps and has very long wait times.

unmarried son or daughter from China or India is approximately eight years. Married sons and daughters of U.S. citizens have wait times of approximately ten years if they are from China or India, and nineteen years if they are from the Philippines.[96] These extraordinarily long wait times have a tremendous negative impact U.S. citizens and permanent residents of Chinese, Indian, and Filipino ancestry. Backlogs also exist for certain occupational categories for applicants from these countries.

With respect to deportation policies and procedures, reform at the federal level must include heightened discretionary authority in removal proceedings in order to avoid breaking up families and "returning" individuals to countries they have not called home in years, if not decades.

Immigration enforcement activity in Washington has increased significantly over the past few years. Escalating a trend born out of 9/11, U.S. Immigration and Customs Enforcement and Customs and Border Patrol have routinely stopped individuals on the streets, in their cars, on domestic ferry routes and in airports purely based on their ethnic or religious appearance; many such individuals are APAs.[97] Asian Pacific Americans have validly expressed trepidation regarding such treatment and its effect on the community. Immigration enforcement, while necessary, must be effected in a manner that is respectful, humane and nondiscriminatory.

Furthermore, many individuals who find themselves in immigration detention facilities lack access to attorneys, basic health care and adequate language services, thus denying them of their rights to due process (guaranteed by the Constitution to *all* individuals within the U.S.).[98] With this in mind, it is imperative that the Washington's Northwest Detention Center in Tacoma have adequate resources and effective procedures to handle the more than 10,000 individuals it processes each year.[99]

While the issue of undocumented APAs in the U.S. is not as prevalent as it is among other immigrant communities, there are at least 1 million undocumented APAs living in the U.S., accounting for nearly 1 in every 10 undocumented individuals.[100]

Similar to the undocumented community at large, these APAs in Washington live "under the radar," often subjecting themselves to substandard working conditions, exploitative wages and inadequate access to social services, while contributing significantly to our state's economy. In fact, undocumented immigrants make up 5% of the state's workforce, and Washington ranks eighth in a list of states that would suffer the highest per-capita

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[96] *Id*.
[97] Asian American Justice Center, *supra* note 94 at 4.
[98] *Id*. at 3.
[99] *CHA Report, supra* note 93, at 36.
[100] Asian American Justice Center, *supra* note 94 at 2.

losses if the undocumented workforce was removed.[101] Our state must support federal immigration reform that includes clear and meaningful paths to lawful immigration status and eventually citizenship for these hard-working individuals.

Undocumented children brought to the U.S. by their parents or other adults receive free public education through high school; obtaining postsecondary education, however, is much more difficult because of the children's undocumented status. Nationally, approximately 65,000 undocumented students, who have lived in the country for at least five years, graduate from high school each year.[102] Many of these students were brought to the country at a very young age, have spent most of their lives in the U.S. and have few, if any, ties to their countries of origin.

Under the Higher Education Act of 1965, as amended, these students are ineligible for federal financial aid[103] and for the most part, also ineligible for state financial aid. Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 further restricts states from providing educational benefits to undocumented students.[104] Therefore, even though such students may gain admission to higher education, most undocumented students often find it difficult, if not impossible, to pay for higher education.

Under the DREAM Act, currently pending before Congress, undocumented students could be eligible for a conditional path to citizenship in exchange for completion of a college degree or two years of military service, in addition to the ability to demonstrate good moral character and stay in conditional residency.

Even for those APAs with lawful status, the naturalization process remains fraught with obstacles including higher fees, extended wait times and an increasingly challenging exam.[105] Citizenship increases earning potential and provides immigrants with an opportunity for upward social mobility. However, the large number of lawful permanent residents eligible for citizenship in Washington contrasted with the small number of those individuals who naturalized in recent years suggest that access to and knowledge of the naturalization process in need of reform.[106]

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[101] Pramila Jayapal & Sarah Curry, *Building Washington's Future: Immigrant Workers' Contributions to Our State's Economy* at 12 (2009), *available at* http://www.weareoneamerica.org/immigrant-contributions-washingtons-economy-report.

[102] Andorra Bruno, *Unauthorized Alien Students: Issues and "DREAM Act" Legislation*, CRS Report for Congress, at 2 (2009) (citing Pew Hispanic Center estimates of the number of potential DREAM Act beneficiaries).

[103] Pub.L. No. 89-329 (1965).

[104] There is disagreement about the meaning of this provision and no implementing regulations on §505 have been issued or appear to be forthcoming. *See* Bruno, *supra* note 102 at 3.

[105] *Id.* at 13.

[106] *Id.*

Part III: Economic Indicators

Policy Recommendations

- Support community outreach efforts to promote mainstream opportunities and business development education for APA entrepreneurs.
- Collect economic indicator data disaggregated by ethnicity to better understand who is being served, what segments are underrepresented, which initiatives are working, and how to target and tailor resources to specific segments of the diverse APA population.
- Support programs designed to help maintain homeownership, mitigate foreclosure and provide credit education with the language and cultural expertise to reach diverse APA communities.
- Support community programs designed to assist immigrants with their transition into mainstream employment opportunities.

APA Economic Status in the Current Economy

The recession that began at the end of 2007 has produced immense hardships for households across the country, intensifying problems for many minority households. As of March 2010, the U.S. economy experienced some modest growth in gross domestic product in response to numerous economic stimulus efforts. Job losses, however, continue despite the positive signs of recovery in the economy. According to the U.S. Department of Labor's Current Population Survey, national APA unemployment doubled between December 2007 and December 2009 from 3.7% to 7.7%.

Though more nuanced, existing data for APAs show economic disparities in the American economy both in times of economic growth and decline. Aggregated data generally shows that APAs fare better than other minority groups in the labor market, but limited disaggregated data collection masks the diversity within the APA community. Without disaggregated data, it is difficult to accurately gauge the effects of the recession on distinct ethnic communities. Generally, APAs are among the most highly and poorly educated and both the highest income and the lowest wage earners. In Washington, the APA unemployment rate is the lowest among other minority groups and slightly lower (.3%) than that of Whites. However, the unemployment rate of Native Hawaiian and Pacific Islanders (NHPI) is higher than among Whites, Hispanics and other Asians even though a greater proportion of the NHPI population is in the workforce.

Workforce and Employment Rates by Race/Ethnic Groups in Washington							
Subject	**Total Population (%)**	**White (%)**	**Black (%)**	**American Indian/ Alaska Native (%)**	**Asian (%)**	**NHPI (%)**	**Hispanic (%)**
In labor force	66.5	66	63.3	60.3	66.1	69	68.4
Civilian labor force	65.4	65	62.7	59.8	65.8	67.5	68
Employed	61.5	61.4	55.2	52.6	62.4	62	63
Unemployed	3.9	3.6	7.6	7.2	3.3	5.5	5
S0201. Selected Population Profile in the United States Data Set: 2006-2008 American Community Survey 3-Year Estimates Survey: American Community Survey							

APA Small Business Development

Immigrant entrepreneurship and the role of small businesses are particularly important for APA households and communities. According to the Minority Business Development Agency of the Department of Commerce ("MBDA"), APAs have the highest rate of business ownership among all minorities. The U.S. Census Bureau's 2002 Survey of Business Owners reported that Washington was among the ten states with the most APA-owned businesses at 26,890, and with receipts of over $7.1 billion. Of that number, 23,213 of the businesses were located within Seattle, Tacoma and Olympia, with receipts of over $6.2 billion. Although APA businesses tend to bring in more annual revenue overall than all other groups, the Small Business Administration reports in its Small Business Research Summary that minority-owned firms make less in the value of their earnings compared to Whites. On average, for every dollar that a White-owned business earned, Pacific Islander-owned firms made about 59 cents, Hispanic, Native American and Asian-owned businesses about 56 cents, and Black-owned businesses made about 43 cents.

Like other minority-owned businesses, APA businesses continue to be the engine of employment in their communities, with particular emphasis on emerging low-income and minority communities. As shown below, APA businesses were most likely to have paid employees and contributed to almost 60% of the paid employees employed by minority-owned businesses in Washington.

Summary Statistics by Race/Ethnicity in Washington (2002)			
Group	**Number of Businesses**	**Number of Businesses with Paid Employees**	**Paid Employees**
African American	6,982	1,135	8,585
American Indian & Alaska Native	5,731	979	6,753
Asian	26,890	8,149	44,938
Hispanic	10,261	2,353	15,852
NHPI	728	124	1,040
All Race/Ethnic Groups	49,275	12,506	75,039
Classifiable Businesses (includes minority and non-minority owned businesses classifiable by race, gender or Hispanic origin)	454,067	124,946	1,108,838
Source: Minority Business Development Agency, U.S. Dept. of Commerce, *The State of Minority Business* (2008)			

The University of Washington's Business and Economic Development Center's semiannual survey ("UW Business Survey") of minority small businesses in Washington found that APAs tend to hire more full-time employees compared to other groups.

Distribution of Firms by Race/Ethnicity and Number of Full-Time Employees				
	Asian/Pacific Is. (%)	**African American (%)**	**Latino (%)**	**Caucasian (%)**
None	12.0	17.0	21.4	20.6
1 Employee	22.0	35.0	25.2	18.7
2 Employees	18.0	17.0	9.7	13.1
3-5 Employees	18.0	15.0	18.4	13.1
6-10 Employees	10.0	7.0	12.6	16.8
11-20 Employees	14.0	6.0	9.7	11.2
21-100 Employees	6.0	3.0	2.9	5.6
Fewer than 3 Employees	52.0	69.0	56.3	52.4
3 Employees or More	48.0	31.0	43.6	46.7
Source: University of Washington Business and Economic Development Center, *Washington Minority Small Business Survey* (2009).				

As shown in the table above, APA businesses are most likely to employ 11 to 100 full-time employees. Overall, APA businesses are also the most likely to employ more than three full time employees. Therefore, the vitality of APA businesses is likely to affect job creation and employment in Washington.

The high rates of business ownership may reflect labor market discrimination and other factors that would otherwise confine immigrants to mainstream low-wage jobs due to the lack of training and skills and/or language proficiency. Because of these barriers, self employment is often the best option for foreign-raised APAs.

Although the rate of growth of APA businesses suggests that business owners are reaping economic success, studies show otherwise. The LEAP Public Policy Institute and the UCLA Asian American Studies Center conducted studies on APA businesses and found that many in Los Angeles are formed because owners were unable to find work due to discrimination barriers in the mainstream economy.[107] Such businesses tend to concentrate in small service and retail businesses where the failure rate is high, profit margins are low and business hours are long. As a result, these businesses, which often must rely on unpaid family labor or immigrant workers who are low skilled or have limited English proficiency, are often unable to improve wages, benefits, or working conditions for their employees. Many are also unable to access mainstream resources offered by American financial institutions due to their lack of knowledge and experience with credit and the lack of language services available to them.

The statistics for U.S.-raised versus foreign-raised self-employed persons in Washington tend to support the conclusion that the patterns found in Los Angeles are also true for our state. As of 2009, 67% of APAs in Washington are foreign-born. Nationally, foreign-raised APAs (those that immigrated to the U.S. at age 13 or older) are more likely to be self-employed than U.S.-raised APAs (those who are either U.S.-born or who immigrated to the U.S. before age 13).

Rates of Being Self-Employed in Washington (2006-2008)

Race/Ethnic Group	U.S.-raised (%)	Foreign-raised (%)
White	7.48	9.38
Black	2.82	5.05
American Indian / Alaska Native	4.79	5.41
Asian	2.76	8.3
APA Ethnic Group		
Asian Indian	1.74	7.47
Chinese (including Taiwanese)	2.05	6.31
Filipino	2.49	4.93
Japanese	5.56	6.86
Korean	2.11	13.70
Vietnamese	n/a	11.75

Population: All employed persons in Washington
Source: 2006-2008 American Community Survey, Public Use Microdata Samples

As shown in the table above, all foreign-raised individuals were more likely to be self-employed then U.S.-raised individuals. This is especially apparent in selected APA communities, where 13.7% of foreign-raised Koreans and 11.75% of foreign-raised Vietnamese are self-employed. Taking into consideration the family members or other

[107] *See* National Coalition for Asian Pacific American Community Development, *Need for Data to Support AAPI Community & Economic Development: A Policy Brief* (undated), *available at* www.nationalcapacd.org.

immigrants that work for these small business owners, whether paid or unpaid, the rate of being directly involved in such businesses in one form or another is likely a much higher proportion of these communities.

The current economic climate has proven especially difficult for minority owned businesses. The UW Survey's Recent Performance Index focuses on business performance (sales and profits) over the last quarter and year and is compiled from answers ranking how well the business performed in the last quarter or year compared with prior expectations.

Recent Performance Index — Response to Specific Performance Indices and Total						
	Asian/Pacific Islander	**African American**	**Latino**	**All Minorities**	**Caucasian**	**Average of All Groups**
Recent Performance Index (April 2009)	44.9	43.8	49.4	47.7	50.4	48.2
Recent Performance Index (October-November 2009)	55.6	50.6	54.3	53.5	55.6	54.0
Recent Performance Index (April 2008)	56.4	51.5	61.0	56.4	59.3	57.1
Source: University of Washington Business and Economic Development Center, *Washington Minority Small Business Survey* (2009).						

Among all groups, the Recent Performance Index for APA business owners dropped 10.7 points, compared with the 6.8 point drop for African American business owners. Although all business owners were significantly less positive about firm performance in April 2009 than they were in the last quarter and year, the steep drop in the index score for APA businesses may indicate that recessionary conditions have affected APA businesses more than other groups.

Among other barriers for success and growth, APA small businesses lack information and access to crucial resources, including capital, start-up grants, loans, licensing procedures and business plans. In addition, APA business owners often do not know or have great difficulty navigating the complex process of bidding for contracts with local, state and federal governments.

Access to capital remains the most crucial factor limiting establishment, expansion and growth of all minority owned businesses. The current financial environment, however, has exacerbated the barriers of minority entrepreneurs trying to keep their businesses thriving. Despite high rates of business ownership, APA entrepreneurs are also the most likely to use personal family savings and assets to start or expand their businesses. According to the MBDA, more than 70% of the capital used by APAs to start or acquire businesses in 2002 was from personal and family savings or assets. In part, the reluctance to take on debt may be attributed to cultural factors. However, as discussed below under "Homeownership and Mitigation of Foreclosure," APA borrowers — particularly new

immigrants — may lack credit history and understanding of credit and financial institutions that limit their ability to access credit. Although having less debt may help some business owners weather the credit-tight economy, APA business owners are also taking on more personal risk than other groups.

Homeownership and Mitigation of Foreclosure

Homeownership is an important measure of economic well-being for most households. Wealth differences between homeowners and renters are striking. According to the Federal Reserve's 2004 Survey of Consumer Finances, the average net worth of homeowners with incomes below $16,000 was $73,000, compared to $500 for renters.

Percentage Living in Owner versus Renter-Occupied Homes by Race/Ethnic Group in Washington (2000)

	Total (%)	White (%)	Asian (%)	NHPI (%)	Black (%)	American Indian / Alaska Native (%)	Hispanic (%)
Owner-occupied	64.6	67.4	56.9	41.1	37.4	50.8	41.6
Renter-occupied	35.4	32.6	43.1	58.9	62.6	49.2	58.4

Source: U.S. Census Bureau, Summary File 2 (SF 2) and Summary File 4 (SF 4)
DP-4. Profile of Selected Housing Characteristics: 2000
Data Set: Census 2000 Summary File 4 (SF 4) — Sample Data

In 2000, although a greater percentage of APA households (56.9%) in Washington live in owner-occupied homes than other racial and ethnic groups, APA ownership rates still trail that of Whites by 10.5%.[108] Native Hawaiian and Pacific Islanders (NHPI) trailed further behind with 41.1%. The proportion of NHPI living in renter-occupied homes, at 58.9%, was the second highest next to Black renters at 62.6%. When disaggregated, the data shows a more complex homeownership landscape.

[108] Note that these and the following statistics were collected prior to the current economic recession; therefore, homeownership is likely to have changed significantly and according to the subprime lending crisis explained below, is likely to be worse for APA groups.

Disaggregated APA Ethnic Groups and Owner/Renter Occupied Housing Units in Washington (2000) (Chinese, Filipino, Japanese, Laotian, Sri-Lankan, Vietnamese)						
	Chinese (include Taiwanese)	**Filipino**	**Japanese**	**Laotian**	**Sri Lankan**	**Vietna mese**
Total population	59,914	65,373	35,985	7,974	326	46,149
Occupied housing units	20,844	18,626	15,106	1,967	118	12,711
Owner-occupied housing units	13,772	11,546	9,622	1,015	71	6,433
Renter-occupied housing units	7,072	7,080	5,484	952	47	6,278
Single-family owner-occupied homes	12,367	10,397	8,531	971	75	5,494

Source: U.S. Census Bureau, Summary File 2 (SF 2) and Summary File 4 (SF 4)
DP-4. Profile of Selected Housing Characteristics: 2000
Data Set: Census 2000 Summary File 4 (SF 4) — Sample Data

Disaggregated APA Ethnic Groups and Owner/Renter Occupied Housing Units in Washington (2000) (Cambodian, Hmong, Indonesian, Korean, Thai, Indian, Pakistani)							
	Cambodian	**Hmong**	**Indonesian**	**Korean**	**Thai**	**Indian**	**Pakistani**
Total population	13,899	1,294	1,369	46,880	3,825	23,992	1,214
Occupied housing units	3,259	232	468	14,338	1,134	8,034	345
Owner-occupied housing units	1,499	103	161	6,877	524	3,673	168
Renter-occupied housing units	1,760	129	307	7,461	610	4,361	177
Single-family owner-occupied homes	1,433	69	117	5,951	375	3,187	136

Source: U.S. Census Bureau, Summary File 2 (SF 2) and Summary File 4 (SF 4)
DP-4. Profile of Selected Housing Characteristics: 2000
Data Set: Census 2000 Summary File 4 (SF 4) — Sample Data

Considering all but NHPI groups listed below, of the 13 ethnic groups for which the U.S. Census Bureau had housing data, over 60% of Chinese, Filipino, Japanese and Sri Lankan lived in owner-occupied homes. Just over half of Laotian and Vietnamese live in owner-occupied homes. A majority of each of the remaining ethnic groups lived in renter-occupied homes, with Indonesians having the highest proportion renting homes.

Disaggregated APA Ethnic Groups and Owner/Renter Occupied Housing Units in Washington (2000) (Native Hawaiian, Samoan, Tongan, Micronesian, Chamorro)					
	Native Hawaiian	Samoan	Tongan	Micronesian (inc. Guamanian/Chamorro)	Fijian
Total population	4,883	8,049	754	6,729	823
Occupied housing units	1,659	1,812	158	1,876	207
Owner-occupied housing units	771	532	60	878	95
Renter-occupied housing units	888	1,280	98	998	112
Single-family owner-occupied homes	608	455	65	808	79

Source: U.S. Census Bureau, Summary File 2 (SF 2) and Summary File 4 (SF 4)
DP-4. Profile of Selected Housing Characteristics: 2000
Data Set: Census 2000 Summary File 4 (SF 4) — Sample Data

Disparities among APA groups are particularly pronounced among Pacific Islanders with all sub groups having a greater proportion living in renter-occupied housing units versus owner-occupied housing units (Native Hawaiian (53%), Samoan (70.6%), Tongan (62%), Micronesian (53.1%), Fijian (54.1%)).

Any advances toward equality in homeownership during real estate boom years have been reduced during the current housing crisis. Nationally, the fastest growing groups of homebuyers are immigrants and minorities, yet according to the U.S. Census Bureau, the APA homeownership rate suffered the steepest decline among all racial minority groups in 2008, with a decline of 1.24%. According to the National Coalition of Asian Pacific American Community Development (NCAPACD), this is a signal that something is systematically preventing APA communities from recovery and leaving these communities out of state funding. Loss of equity, prevalence of subprime loans, and limited language accessibility all attribute to the unstable homeownership environment for APAs.

APA immigrants frequently lack credit history, which prohibits them from securing cost-effective loans, if any at all, from mainstream banks. Nationally, subprime loans among APAs almost tripled between 2004 and 2005, with NHPIs having significantly higher percentages of high cost loans than the general population. In its May 2009 testimony before the U.S. Congress, NCAPACD noted that APA borrowers in Washington, among several other states, were significantly more likely to receive a high cost loan than non-Hispanic White borrowers. Nationally, subprime loans among APAs almost tripled between 2004 and 2005 and the percentage of high cost loans was comparable to their percentage of the U.S. population. Native Hawaiians and Pacific Islanders, however, had significantly higher percentages of high cost loans than the general population.

Like other minority communities, many factors drive APA families to high-cost loans. Few banks have bilingual or bicultural staff or offer information about the home-buying process for immigrant communities. Borrowers with limited understanding of credit and financial institutions and limited credit histories are treated inequitably by traditional

mortgage lending processes, even if deemed creditworthy. There are very few linguistically and culturally competent housing counselors and financial education programs that specifically target the diverse APA communities.

Economic Outlook of Asian Pacific Americans

The current economic state and outlook of minorities in general, and APAs in particular, are far from stable. Although general statistics tend to suggest APAs on a whole fare better than other minority groups, the lack of disaggregated data masks the true diversity within the broad umbrella group. A challenge for policymakers today in addressing the needs of APA communities, therefore, is the ability to identify the effects of various economic indicators, including the recession's impact on employment, small businesses and home ownership, for certain groups not accurately reflected by the overall statistical data.

Part IV: Political Participation

Policy Recommendations

- Support efforts to develop a consistent and accurate statewide method to collect disaggregated voter registration and turnout data.
- Provide ballots and election materials in more languages and ensure outreach to various groups with limited English proficiency in order to open political participation up to the most vulnerable populations.
- Continue to improve upon translated election materials on the Internet and educate communities to such cost-effective resource.
- Support efforts to study potential barriers to LEP voter participation in an absentee voting system.
- Support efforts to increase APA leadership opportunities and mentor and educate APA youth to become involved in political parties and issues in order to foster a pipeline to increase APA political representation at all levels of local and state government.
- Provide opportunities and incentives for minority students to visit and volunteer in governmental organizations and entities.
- Support efforts to develop a statewide method to collect demographic data of elected officials each year.

Participation by members of all groups in the political process is fundamental to a well-functioning democracy. Participation ensures that different voices are heard and legitimates the outcomes produced by the democratic process. This commitment to ensuring full participation can be seen in the Revised Code of Washington, which states:

> *It is the policy of the state of Washington to encourage every eligible person to register to vote and to participate fully in all elections and to protect the integrity of the electoral process by providing equal access to the process while guarding against discrimination and fraud.*[109]

In this section, we examine APA political participation as measured by voter registration and turnout and the extent of representation as measured by the number of APA elected officials in the State of Washington, and further make recommendations to fulfill Washington's expressed policy.

Specifically, we find that more could be done to promote voter registration and turnout among APAs. One particular area of need relates to language policy. Because a high percentage of APAs are foreign-born, English language proficiency presents a barrier to

[109] RCW 29A.04.205 (2010).

full participation. Although it appears that Washington complies with the language access requirements of the Voting Rights Act with regard to language minorities, we urge the legislature to treat these federal requirements as a floor rather than a ceiling and that more be done to provide voter registration and voter education materials in Asian languages. Enhancing political participation in this way will also likely to lead to more APA candidates for elected office as well as more APAs elected to these positions.

We also find that data on APA political participation is difficult to verify. For example, the two leading sources for information on APA political participation in the state of Washington have vastly divergent statistics for the number of APA registered voters. We recommend that better data collection efforts be undertaken.

APA Registration and Turnout

In this subsection, we begin with national figures for APA registration and turnout as providing context for interpreting data for Washington.

National Figures of APA Voter Registration and Turnout

In 2008, there were just over 7 million APA citizens in the U.S. Of that population, 3.9 million were registered or approximately 55.3% of the APA population. Voter turnout for the APA population was also substantial: nearly 3.4 million registered APAs voted or approximately 86% of the registered APA population or around 47.6% of the total APA population. *See* Appendix 1.

National Asian Pacific American voter registration has skyrocketed over the past two decades. APA voter registration rates grew 58.7% from 1996-2004, the highest rate as compared to Hispanic registration (45%), Black registration (15%), and White registration (7%). The number of APAs that registered during that time went from 2.2 million in 1996 to 3.5 million in 2004.[110]

Voter turnout had comparatively high percentages. APA voter turnout grew 71% from 1996 to 2004, from 1.7 million to nearly 3 million. Comparatively, the Hispanic turnout grew 57%, the Black turnout grew 26% and the White turnout grew 15%.[111]

Percentages of APAs Registered Voter in Battleground States (2008)							
National (%)	**Washington (%)**	**Florida (%)**	**Nevada (%)**	**Virginia (%)**	**Michigan (%)**	**Minnesota (%)**	**Ohio (%)**
55.3	66	48	18	34	32	32	35
Source: The Atlas Project, *Demographic Information for Battleground States* (2004.).							

[110] Asian American Legal Defense and Education Fund, *Asian Americans and the Voting Rights Act: The Case for Reauthorization, at 1* (2006), *available at* www.aaldef.org/docs/AALDEF-VRAReauthorization-2006.pdf.
[111] *Id.*

In comparison to other states, Washington has one of the highest voter registration rates at 66% of the APA population. However, this falls below Washington's overall registration rate of 73% and the national APA registration rate of 86%.

Washington State APA Voter Registration

According to American Community Survey data, there were approximately 470,000 APAs in Washington in 2008. Little research exists that monitors the status and growth of APA voter registration in Washington. However, the study done by WISER is a rare exception and their research has provided the foundation of the information of this section. Of the total APA population in Washington population, there was just under 290,000 APAs registered to vote in Washington, constituting 66% of the APA population and 7.8% of the total voting population. In 2008, APA turnout rates were 73% as compared to the 82.8% turnout rate of non-APAs.

Distribution of Registered APA Voters in Washington by County (2008)									
	King	**Snohomish**	**Pierce**	**Spokane**	**Clark**	**Thurston**	**Kitsap**	**Whatcom**	**Yakima**
% of total	42.4	11	10.6	5.2	5.3	3.5	3.3	2.5	1.9
Total #	115,068	29,907	28,821	13,997	13,911	9,548	8,813	6,714	5,248
Source: WISER, Analysis of Registered Voters in Washington: 2008. Data Set: Registration data provided by Washington State, Office of the Secretary of State, Dec 2008.									

Distribution of APA Registered Voters by Congressional District (2008)									
	1st	**2nd**	**3rd**	**4th**	**5th**	**6th**	**7th**	**8th**	**9th**
% of total	**13.8**	**9**	9.4	6.5	7.8	9.2	16.9	15.9	11.4
Total #	**37,437**	**24,425**	25,494	17,732	21,205	24,955	45,933	43,255	31,053
Source: WISER. Analysis of Registered Voters in Washington: 2008. Data Set: Registration data provided by Washington State, Office of the Secretary of State, Dec 2008.									

By cross-referencing Asian surnames to the Washington voter file, WISER created a framework for the status of APA political participation in Washington in 2008. However much more needs to be done to create an adequate understanding of APA voter registration.

Growth in APA Voter Registration in Washington State

Catalist, LLC ("Catalist") is the only organization that has tracked the growth of APA voter registration and turnout in Washington. Catalist's study was conducted by cross-referencing the names on the Washington voter registration list with an Asian surname database from 2003 to 2009 (the "Catalist Study"). While this is the best system currently available to determine the status of APA political participation, it does not include those with non-Asian surnames and therefore paints an incomplete picture. In addition, variations in how data is collected and counted for registered APA voters differ. For

example, in 2008, the WISER study counted 290,000 APA registered voters while Catalist only counted 118,000. Therefore, a consistent and inclusive approach is needed to more fully analyze and understand the voting behavior of this growing demographic.

According to the Catalist Study, APA voter registration in Washington grew steadily over the past 7 years, with the highest growth in King, Pierce and Snohomish counties. *See* Appendix 2. Voter turnout is more varied, but also grew steadily from 2003. Appendix 3 to this policy booklet provides the numbers of registered APA voters from November 2003 to June 2009 elections.

APA Voter Registration and Voter Turnout in Washington (2003-2009)							
	2009	**2008**	**2007**	**2006**	**2005**	**2004**	**2003**
Voter Registration	120,898	118,077	100,023	93,556	86,521	82,362	65,539
Voter Turnout	Not counted	87,209	32,284	45,949	36,196	64,810	18,882
Source: Catalist. Analysis of APA Voter Registration and Voter Turnout: 2009. Data Set: Registration data provided by Washington State, Office of the Secretary of State, 2008							

Overall, all Washington counties experienced an increase over the span of the Catalist Study.

Access to the Political Process

Because a high percentage of APAs are foreign-born and a substantial portion is limited English proficient, language is a barrier to full political participation. The APA community's most significant barrier to gaining access to the political process is the lack of translated ballots in light of the diversity within its communities. Under the Voting Rights Act, ballots translated into a foreign language must be provided when census data shows more than 10,000 people or more than 5% of the voting-age population in a single language group in a defined area, generally a county, do not speak English well. Under this mandate, King County is required to provide Chinese-language ballots and three Eastern Washington counties, Yakima, Franklin and Adams, are required to provide Spanish-language ballots. A study conducted by the National APA Legal Consortium in partnership with the Seattle-based Chinese Information Service Center found that in 2004, King County adequately translated and sent voting ballots to the Chinese community. With few reports of discrimination at the polls, Washington seems to be fulfilling the mandate to follow the requirements of the Voting Rights Act.

However, given the diversity in language groups and the prevalence of limited English proficiency in the APA community, many remain left out of the voting process. A national poll taken by Asian American Legal Defense and Education Fund during the 2006 elections found that 43% of APAs expressed that they were limited in English proficiency. Furthermore, nearly half of all voters surveyed (46%) needed interpreters to vote, and 38% used translated written materials. The greatest beneficiaries of language

assistance were first-time voters, 47% of whom had limited English proficiency.[112] By only providing voting ballots in Chinese, Washington risks losing the voices of many within the APA community.

Washington appears to be responding to the diverse needs of certain Asian language groups. In addition to ballots, the APA and LEP communities benefit from translated voter registration forms. Washington currently translates its voter registration forms into five Asian languages: Chinese, Cambodian, Korean, Laotian and Vietnamese. Individuals may also access resources in these languages on the Secretary of State of Washington's website.

However, such efforts to increase APA registered voters will be for naught if these individuals are unable to understand the ballot or cast a meaningful vote. Without a way to access the ballot in their language, many within the APA community are unable to participate in the political process.

Access to the political process is further complicated as Washington moves to complete absentee voting, or vote-by-mail. Currently, 38 of the 39 counties adopted absentee ballot voting as the sole means of voting. The last county recently submitted legislation, which if passed, will render Washington an entirely absentee voting state. The benefit of absentee voting to the APA community is the absence of discrimination they have historically and according to some continuously experienced at the voting booths. The downside, however, is that unless ballots and election materials are provided in more languages, many APAs with limited English proficiency may continue to lack access to the political process.

APA Elected Officials in Washington

Washington APAs have experienced electoral successes at all levels from school board to state legislators, including the election of former-Governor Gary Locke, the first Asian American governor in the continental United States. However, APA elected officials have not reached parity in representation considering that the APA community is approximately 8% of the Washington population.

In general, the APA community is underrepresented in the top elected offices within Washington. Since 2007, APA officials have represented 6% of the members in the Senate (3 out of 49), but only 2% in the House (2 out of 98). There is no APA in the top statewide offices. At the municipal level, there has been only one APA commissioner since 2006.

Asian Pacific Americans are similarly underrepresented at the local level. APA mayors have slightly fluctuated in the past four years: three in 2006, four in 2007, five in 2008 and

[112] *A*sian American Legal Defense and Education Fund, *supra* note 110 at 5-7.

four in 2009. The three to five APA mayors over the past few years makes up about 1% of the mayors in Washington. Membership in city councils has similarly remained unchanged: 14 in 2006, 13 in 2007, 15 in 2008, and 15 in 2009. Over 2008 and 2009, therefore, APA council members made up 4.6% to 5.4% of all council members in Washington. The growth in APA elected officials at the local level has not led to a significant change in overall representation.

APA Elected Officials in Washington (2006-2009)				
	2009	**2008**	**2007**	**2006**
House	2	2	2	2
Senate	3	3	3	2
Commissioner	1	1	1	1
Mayor	4	5	4	3
City Council	15	15	13	14

Source: Korematsu Center for Law and Equality, *Analysis of APA Elected Officials in Washington* (2009).
Data Set: Listed Officials in Washington Yearbook Series.

Appendix 1: U.S. Reported Voting/Registration by Sex, Age and Citizenship

Asian alone, November 2008 (in thousands)

Sex and age	Total Population	US Citizen									Total Population	
		Total Citizen Population	Reported Registered		Not Registered		Reported Voted		Did Not Vote		Reported Registered	Reported Voted
			Number	Percent	Number	Percent	Number	Percent	Number	Percent	Percent	Percent
BOTH SEXES												
Total 18 years and over	10,455	7,059	3,901	55.3	3,159	44.7	3,357	47.6	3,702	52.4	37.3	32.1
18 to 24 years	1,133	774	395	51.1	378	48.9	314	40.6	459	59.4	34.9	27.8
25 to 44 years	4,676	2,682	1,483	55.3	1,198	44.7	1,269	47.3	1,413	52.7	31.7	27.1
45 to 64 years	3,335	2,539	1,498	59.0	1,040	41.0	1,294	51.0	1,244	49.0	44.9	38.8
65 to 74 years	775	638	317	49.7	321	50.3	298	46.7	340	53.3	40.9	38.4
75 years and over	535	427	207	48.4	220	51.6	182	42.6	245	57.4	38.6	34.0
MALE												
Total 18 years and over	4,974	3,317	1,839	55.4	1,478	44.6	1,578	47.6	1,739	52.4	37.0	31.7
18 to 24 years	582	404	177	43.8	227	56.2	137	34.0	267	66.0	30.5	23.6
25 to 44 years	2,278	1,287	716	55.6	571	44.4	611	47.5	676	52.5	31.4	26.8
45 to 64 years	1,555	1,158	707	61.0	451	39.0	604	52.1	554	47.9	45.5	38.8
65 to 74 years	356	289	146	50.4	143	49.6	137	47.5	152	52.5	40.9	38.6
75 years and over	205	178	93	52.3	85	47.7	89	49.8	90	50.2	45.6	43.4
FEMALE												
Total 18 years and over	5,480	3,743	2,062	55.1	1,681	44.9	1,779	47.5	1,963	52.5	37.6	32.5
18 to 24 years	552	369	218	59.0	151	41.0	177	47.9	192	52.1	39.5	32.1
25 to 44 years	2,399	1,395	768	55.0	627	45.0	658	47.1	737	52.9	32.0	27.4
45 to 64 years	1,780	1,380	791	57.3	589	42.7	691	50.0	690	50.0	44.5	38.8
65 to 74 years	419	349	172	49.2	177	50.8	161	46.1	188	53.9	40.9	38.3
75 years and over	331	249	113	45.6	135	54.4	93	37.5	156	62.5	34.3	28.2

Note: 'Not registered' includes 'did not register to vote,' 'do not know,' and 'not reported. 'Did not vote' includes 'did not vote,' 'do not know,' and 'not reported.'
Note: Table shows data for people who reported they were single race Asian.
Source: U.S. Census Bureau, Current Population Survey, November 2008, released July 2009.

Appendix 2: APA Voter Registration in Washington (2003-09)

County	Jun-09	Nov-08	Nov-07	Nov-06	Nov-05	Nov-04	Nov-03
Adams	15	15	14	14	14	12	11
Asotin	35	35	25	23	20	19	19
Benton	1,180	1,153	961	928	883	850	723
Chelan	186	185	170	164	150	141	119
Clallam	386	373	342	316	285	265	228
Clark	4,626	4,447	3,663	3,351	3,021	2,841	2,063
Columbia	8	8	5	5	5	4	4
Cowlitz	507	498	448	428	392	368	310
Douglas	111	110	98	86	78	73	62
Ferry	14	13	9	9	9	9	7
Franklin	272	256	221	209	188	174	125
Garfield	6	6	6	6	5	5	5
Grant	196	191	173	168	162	160	138
Grays Harbor	263	257	221	206	195	176	148
Island	582	569	481	456	428	398	329
Jefferson	216	213	191	174	159	148	122
King	71,200	69,725	59,138	55,293	51,393	49,237	39,535
Kitsap	2,579	2,526	2,176	2,065	1,908	1,784	1,506
Kittitas	155	152	121	118	102	95	75
Klickitat	72	69	61	58	54	51	46
Lewis	245	238	210	193	170	153	121
Lincoln	29	27	26	24	24	22	18
Mason	199	191	172	159	146	133	105
Okanogan	97	92	79	76	73	71	59
Pacific	97	94	86	79	76	71	64
Pend Oreille	35	32	29	28	27	27	26
Pierce	12,186	11,892	10,236	9,576	8,791	8,382	6,670
San Juan	83	83	75	73	70	66	54
Skagit	528	511	445	418	385	369	305
Skamania	39	39	32	31	28	28	22
Snohomish	14,838	14,470	12,049	11,232	10,292	9,621	7,287
Spokane	2,759	2,664	2,237	2,154	2,041	1,961	1,608
Stevens	123	121	108	105	97	95	86
Thurston	3,818	3,714	3,141	2,952	2,756	2,624	2,109
Wahkiakum	14	14	14	12	11	11	10
Walla Walla	233	230	195	182	171	166	135
Whatcom	1,825	1,759	1,451	1,337	1,148	1,052	745
Whitman	451	437	323	284	259	241	183
Yakima	690	668	591	564	505	459	357
Total	120,898	118,077	100,023	93,556	86,521	82,362	65,539

Source: Catalist. Analysis of APA Voter Turnout: 2008.
Data: Registration data provided by Washington State, Office of the Secretary of State, 2008

Appendix 3: APA Voter Turnout in Washington (2003-08)

County	2008	2007	2006	2005	2004	2003
Adams	10	9	11	10	11	8
Asotin	26	10	14	10	14	2
Benton	946	361	557	482	687	198
Chelan	150	88	98	94	132	58
Clallam	294	154	305	185	225	128
Clark	3,349	1,040	1,620	1,241	2,211	530
Columbia	7	4	4	4	4	4
Cowlitz	391	165	247	203	302	107
Douglas	96	53	58	55	62	38
Ferry	11	2	6	6	8	3
Franklin	192	96	121	179	142	44
Garfield	5	2	5	3	5	4
Grant	167	92	109	117	149	78
Grays Harbor	168	112	132	125	143	74
Island	475	256	282	233	341	154
Jefferson	189	109	141	113	142	83
King	50,769	18,036	26,441	20,636	38,107	9,398
Kitsap	2,035	953	1,229	1,041	1,518	699
Kittitas	127	58	71	59	84	31
Klickitat	57	37	34	27	40	15
Lewis	182	89	101	163	139	56
Lincoln	23	10	19	16	20	11
Mason	147	74	105	90	111	30
Okanogan	73	34	46	43	57	20
Pacific	60	35	49	45	53	30
Pend Oreille	28	22	23	18	26	15
Pierce	8,167	3,224	4,410	3,510	6,450	2,611
San Juan	75	46	59	52	63	29
Skagit	423	214	255	232	318	149
Skamania	30	13	18	10	21	4
Snohomish	11,089	3,778	5,129	3,812	7,832	2,210
Spokane	2,129	1,000	1,394	1,112	1,612	710
Stevens	100	58	66	64	72	32
Thurston	2,867	1,053	1,469	1,174	2,027	679
Wahkiakum	9	8	8	7	10	6
Walla Walla	160	73	101	81	136	64
Whatcom	1,348	526	698	527	923	339
Whitman	334	125	192	119	211	59
Yakima	501	265	322	298	402	172
Total	87,209	32,284	45,949	36,196	64,810	18,882

Source: Catalist. Analysis of APA Voter Turnout: 2008.
Data: Registration data provided by Washington State, Office of the Secretary of State.

The State of Washington

CAPAA

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