HAWAII ADVISORY COMMITTEE

TO THE

UNITED STATES COMMISSION ON CIVIL RIGHTS

CONSULTATION ON IMMIGRATION ISSUES IN HAWAII

ROOM 3206
PRINCE KUHIO FEDERAL BUILDING
300 Ala Moana Bouldevard
Honolulu, Hawaii
August 25, 1978

CHAIRPERSON: Patricia K. Putman

REPORTED BY: Lynn Preisendorfer, Court Reporter

SPEAKERS:

Robert C. Schmitt
State Statistician
Department of Planning and Economic Development

Dr. Robert Gardner
Research Associate

Dr. Peter Smith
Research Associate

Reinhand Mohr
American Civil Liberties Union of Hawaii

Eileen Anderson
Director, State Department of Finance

Bienvenido Junasa
Director, State Immigrant Service Center

William F. Thompson, III, Attorney at Law

Gary Omori
Director, Kalihi-Palama Immigrant Service Center.

POWERS & ASSOCIATES
Registered Professional Reporters
340 Alexander Young Building
Honolulu, Hawaii 96813
(808) 521-7815

ALSO PRESENT: Thomas V. Pilla
Field Representative
United States Commission on Civil Rights

Laurie Campbell, Attorney

THE PANEL: Pat Putman
Donnis Thompson
Louse Manuel

MS. PUTMAN: This meeting will now come to order.

I'm Pat Putman, chair of the Hawaii Advisory Committee to the United States Commission on civil rights. The State Advisory Committee advises and makes recommendations to the United States Commission on civil rights upon matters which the Committee or any of its subcommittees have studied.

The other members of the Advisory Committee in attendance for this meeting are Louse Manuel and Donnis Thompson.

Also with us today, from the Western Regional Office of the Commission on civil rights are: Tom Pilla, and Laurie Campbell, Grace Diaz and Felicia Smith.

This consultation is being held pursuant to the rules applicable to State Advisory Committees and other requirements promulgated by the United States Commission on civil rights.

The Commission on civil rights is an independent agency of the United States Government established by Congress in 1957 and authorized by the civil rights acts of 1957, 1960, 1964, and 1973, to:

1. Investigate complaints alleging that citizens are being deprived of the right to vote by reason of their race, color, religion, national origin or sex;

2. Study and collect information concerning legal

developments which constitute a denial of equal protection of the laws under the constitution;

3. Appraise Federal laws and policies with respect to equal protection of the laws;

4. Serve as a national clearinghouse for civil rights information; and,

5. Investigate allegations of voter fraud.

I would like to emphasize at this time that this is a consultation and not an adversary type of proceeding. Individuals have been invited to come and share with the Committee information relating to the subject of today's inquiry. Each person who will participate has voluntarily agreed to meet with the Committee.

Every effort has been made to invite persons who are knowledgeable about the problems and progress in the areas to be dealt with here today.

In our attempt to get a well-balanced picture of the immigration situation in Hawaii, we have invited individuals involved in the immigration issues on a day-to-day basis as well as those involved in research on various aspects of immigration and naturalization.

Since this is a consultation, the press, radio, television stations, as well as individuals are welcome. Any person discussing a matter with the Committee, however, may specifically request that they not be televised. In this

case, it will be necessary for me to comply with their wishes. We are very concerned that we get all of the information relating to the matter under investigation. We are, however, concerned that no individual be the victim of slander or libelous statements. As a precaution against such a happening, persons making a statement here or answering questions have been interviewed prior to this meeting. However, in the unlikely event that such a situation should develop, it will be necessary for me to call this to the attention of the persons making the statement and request that they desist in their action.

If the testimony a person is offering, however, is of sufficient importance, it may be necessary for the committee to hear the information at a closed session. The person against whom the allegations are being made will have ample opportunity to make a statement in closed session before the Committee if he or she so desires.

In any event, prior to the time that the Committee submits its report to the commission, every effort will be extended to get a complete picture of the situation as it exists.

We are concerned that no individual be the victim of retaliation for any statements made at this consultation.

Witnesses are protected by the provisions of 18 U.S.C. 1505, which provide:

"Whoever by threats or force, or by any threatening letter of communication, endeavors to intimidate, influence, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being held be either house; or any committee of either house; or whoever injures any party or witness in his/her person or property on account of his/her attending or having attended such proceeding, inquiry, or investigation, or on account of his/her testifying or having testified to any matter pending therein shall be fined not more than $5,000 or imprisoned not more than five years, or both."

In the event that any person testifying before this committee considers any adverse action taken against him/her to be the result of having testified, he or she should immediately contact the Western Regional Office of the United States Commission on Civil Right.

And, with that very pompous and grime preliminary statement I would like to have our first scheduled speaker Robert C. Schmitt.

MR. SCHMITT: I was asked to tell you something about what statistics are available on recent immigration trends in Hawaii. Immigration is defined here as it is understood by demographers, who use the term to refer to persons changing residence across international borders. Secondary

attention is given to two groups classified as inmigrants, but not immigrants, those from other States and those from U.S. territories and possessions, chiefly American Somoa. There is also some information on out-migration, both to other States and abroad.

The accepted terminology in this field may sometimes obscure major variations in the characteristics of migrants. It excludes visitors and other short-time residents, for example, although tourists from the mainland, Canada, and Japan now constitute a sizable fraction of the de facto population. Numerous migrants from western Canada have recently settled on Maui, either on a part-time or permanent basis; these Canadians, classified as immigrants, often seem more akin to the resident population than do migrants from Texas or Alabama, who are not immigrants. Arrivals from American Somoa occupy a somewhat anomalous position; classified as U.S. nationals rather than as either citizens or aliens, they come from a Polynesian society that in language and culture more closely resembles that of the native Hawaiian than that of the mainland American. Island immigration statistics are further complicated by the fact that many of the persons moving to Hawaii from foreign countries are U.S. military personnel and their families, being reassigned from bases abroad to Pearl Harbor, Hickam Air Force Base, or Schofield Barracks for periods of two or three years. These members

of the armed forces are typeically of mainland origin, but their civilian dependents may be Korean, Vietnamese, or Hawaii born. The published statistics on migration, particularly those compiled by Federal agencies, rarely take account of such fine points.

Sources of data on migrants fall into two major categories. One consists of population surveys and censuses, in which migration status is indicated by the answers to questions on place of birth, citizenship, place of residence one or five years earlier, and perhaps mother tongue. A second group of sources provides direct data on migration, by counting the arrivals or departures of specified types of passengers. Sometimes movement is inferred by combining census or survey data with flow information on other components of change, such as births, deaths, and persons naturalized.

Island analysts can turn to at least three major sources for survey and census data on immigration. One is the decennial census of population conducted by the U.S. Bureau of Census, taken most recently in 1970 and next planned for 1980. The 1970 census included questions on place of birth, citizenship, residence in 1965, and mother tongue. A second source is the Hawaii Health Surveillance Program, a sample survey of households on the six major islands, conducted by the Hawaii State Department of Health

on a continuing basis since late 1969. Although primarily designed to obtain information on health characteristics, this survey also provides statistics on place of birth, residence one year earlier, and length of residence in Hawaii. During the spring of 1976, moreover, the helath survey was expanded to include questions requested by the Office of the Lieutenant Governor regarding citizenship and language. Still another source of data on the alien population -- actually a registration rather than a census or survey -- is the alien address reports program of the U.S. Immigration and Naturalization Service, which requires all aliens to report their locations annually in January.

In addition to these regularly available sources, a number of surveys have been taken on a one-time-only or irregular basis. Examples include data developed by the Hawaii State Department of Education on the language abilities of students with a mother tongue other than English, data on the place of birth and residence one year earlier of public welfare recipients developed by the Hawaii State Department of Social Services and Housing, and a three-volume set of findings and recommendations from a study commissioned by the Hawaii State Commission on Population and the Hawaiian Future.

Direct statistics on migration are provided by the Hawaii Visitors Bureau and the U.S. Immigration and Naturaliza-

tion Service. Since 1950, the Visitors Bureau (HVB) has used part of the State agricultural declaration form for questions relating to passenger characteristics. This form, given to every passenger or family head arriving from the mainland United States, asks whether the traveler is a visitor, returning resident, or intended resident. Immigrants arriving in the United States from foreign countries are asked by the U.S. Immigration and Naturalization Service to name their nationality and State of intended future permanent residence. The same agency tabulates data annually on the number of aliens naturalized in each State.

Other sources on migrant arrivals and departures are the U.S. Social Security Administration and the Hawaii State Department of Labor and Industrial Relations. The former agency periodically compiles data on interstate address changes by Old-Age and Survivors Insurance beneficiaries, 65 years old and over. The State agency tabulates statistics on Hawaii workers seeking work and filing for unemployment insurance benefits on the mainland, and mainland workers filing claims for unemployment insurance and registered for work with the Hawaii Employment Service.

These statistics appear in a variety of reports. The decennial census publications are issued by the U.S. Department of Commerce within a few years of each census. Besides the printed reports, the analyst has access to more

detailed data on census summary tapes, the public use sample, and microfiche. Demographic statistics from the Hawaii Helath Surveillance Program are jointly published by the Department of Health and Department of Planning and Economic Development in the former agency's Population Report series. The annual reports of the U.S. Immigration and Naturalization Service include statistics on immigrant arrivals and the alien address reports program. The HVB data on intended residents arriving from the mainland are published annually by the Department of Planning and Economic Development as Hawaii's In-Migrants. These same reports contain summary tables from the other sources cited above, particularly for series ordinarily left unpublished or issued only in little-known publications. Hawaii's In-Migrants also provides a comprehensive bibliography of recent studies and surveys on Island migration.

A special tabulation of data from the Hawaii Health Surveillance Program, covering a three-year period centered on July 1, 1975, shows that the foreign born population of the State at that time was approximately 105,765, or 12.7 percent of the total population. The major sources of foreign born residents were the Philippines, accouting for 48,029; Japan, with 24,144; China and Taiwan, with 7,169; and Korea, with 4,901. The native born population totaled 724,758, and included 536,709 persons born in Hawaii, 181,000 born in

other States, and 7,049 from U.S. territories and possessions. These data were expanded from a sample of 12,129 households containing 40,088 individuals, residing in all parts of the State except Niihau and Kalawao. The survey also excluded persons in military barracks and institutions.

The foreign born population of Hawaii has increased in both absolute and relative terms in recent years. The number of Hawaii residents born abroard rose by 20,000 between 1970 and 1975, and during the same period their share of the total went from 9.8 to 12.7 percent. Neither the number nor percentage reported in 1975 surpassed historical highs, however; in 1930, for example, 121,209 foreign born person lived in the Islands, and in 1900 they accounted for 58.9 percent of the toal population. Data from the 1974-1976 survey and selected censuses back to 1853 are summarized in table 1.

Alien address cards received by the U.S. Immigration and Naturalization in January 1977 totaled 68,567, or 45.9 percent more than the number a decade earlier. The 1977 count included 31,598 from the Philippines, 13,622 from Japan, 5,767 from Korea, 2,847 from china and Taiwan, 2,680 from the United Kingdom, and 2,395 from Cambodia, Laos, or Vietnam. These figures exclude naturalized citizens and persons born abroad to American parents. Annual data back to 1967 appear in table 2.

More than 33,500 persons enumerated in the 1970 census of Hawaii reported living abroad five years earlier, but almost a third of this group were members of the armed forces or their dependents. Table 3 presents mobility data from the 1960 and 1970 census counts.

Similar findings are obtained from a survey made in the spring of 1976 by the Department of Health for the Office of the Lieutenant Governor. Asked where they had been living one year earlier, about 40,600 indicated another state, 1,000 referred to a U.S. territory or possession, and 10,400 listed a foreign country. About three-fifths of the interstate migrants and a fourth of those from abroad were either military personnel or their dependents. Greater detail is presented in table 4.

Asked by the Hawaii Visitors Bureau whether they were visitors, returning residents, or intended residents, approximately 43,600 westbound passengers abroad civilian carriers in 1977 checked the latter category. This total included 12,400 members of the armed forces, 12,800 military dependents, and 18,500 civilians other than military dependents. The "other civilian" total peaked above 24,000 in 1970 and has subsequently declined. These civilians are typically young adults, often employed in professional, technical, or managerial jobs. Although a few are aliens, most came from the Western States. The HVB survey unfortunately excludes

most passengers from Canada and all arrivals from the Orient or South Pacific. Table 5 charts trends back to 1967.

According to the U.S. Immigration and Naturalization Service, 7,789 immigrants admitted to the country in the year ended June 30, 1976, gave Hawaii as their State of intended permanent residence. As in other recent years, the largest groups by nationality were from the Philippines, 3,222, and Korea, 1,515. During the same twelve-month span, 3,130 aliens in Hawaii were naturalized. Both totals were the highest in many decades, except for a questionable 1970 immigration count. Annual figures covering the past decade are cited in table 6.

It should be stressed that net growth in the aliens population of the State falls far below the total for immigrants admitted. During the eight-year period ended June 30, 1976, for instance, an annual average of 7,158 immigrants were admitted, but the average annual increase in the alien population amounted to only 2,451. The annual gain was diminished, on the average, by 2,493 naturalizations, 992 alien deaths, and a net loss from emigration and interstate migration estimated at 1,222. This last figure includes both the older aliens who have returned to their country to origin (man Filipinos have done so) and the more recent arrivals who have moved on to the mainland, often in search of greater economic opportunity. Table 7 provides data from

1960 to the present.

Statistics on the social, demographic, and economic characteristics of the population by place of birth are available from the Hawaii Health Surveillance Program survey, previously described. Data for a three-year period centering on July 1, 1975, are reported in tables 8 through 21.

Highlights from these tables include the following:

1. Four-fifths of the foreign born population of the State and nine-tenths of the mainlanders live on Oahu. The proportion of foreign born ranges from 8.8 percent on the Big Island to 18.9 percent on Kauai. See table 8.

2. Foreign born residents are usually older than their native born counterparts. Median ages in 1975 were 26.9 years for persons born in Hawaii, 29.1 for mainlanders, and 38.3 for those born aboard. Only 6.9 percent of the population under 20 years of age but 35.3 percent of those 60 and over were foreign born. Among persons born abroad, median ages were lowest for those from Ind0-China, 24.4 years, and highest for the Japanese, 53.5 years. See table 9.

3. Although males outnumber females in the Hawaii and mainland born population, the opposite is true for the foreign born. The sex ratio in 1975 was 86.4 males per 100 females for all residents born abroad, and ranged from 54.7 for the Japanese and 55.5 for the Indo-China to 130.2 for

Filipinos. See table 9.

4. Nativity rates vary widely by ethnic stock. Less than one-half of one percent of the Hawaiians, Part Hawaiians, and Puerto Ricans in Hawaii in 1975 were foreign born, compared with 1.9 percent of the blacks, 6.7 percent of the Caucasians, 7.2 percent of the "cosmopolitans" (mixed other than Part Hawaiian), 10.5 percent of the Japanese, 13.6 percent of teh Samoans, a fifth of the Chinese, and over half of the Filipinos and Koreans. Numerically, the largest foreign born groups were the Filipinos with 45,955, Japanese, 22,963, and Caucasians, 15,280. Partly because of military marriages, the tabulations reveal some oddities: 663 Caucasians born in Japan, 332 Japanese from China and the Philippines, and 4,890 Part Hawaiians born elsewhere. See table 10.

5. Almost a tenth of the foreign born in 1975 were members of the armed forces or their dependents. See table 11.

6. About half of all foreign born residents in 1975 had lived in Hawaii ten years or longer. See table 12.

7. Some of our migrants from other States are foreign born, and many of the migrants from foreign countries are native born. Out of 8,726 Island residents in 1975 who were living abroad a year earlier, only 5,998 were of foreign birth; 707 were Hawaii born; and 1,934 were mainlanders.

Some 9,002 foreign born Hawaii residents in 1975 lived elsewhere twelve months previously -- 2,849 in a different State, 155 in a U.S. territory or possession, and 5,998 in a foreign country. See table 13. Combined with data on the components of change in the alien populations, presented

Some 9,002 foreign born Hawaii residents in 1975 lived elsewhere twelve months previously -- 2,849 in a different State, 155 in a U.S. territory or possession, and 5,998 in a foreign country. See table 13. Combined with data on the components of change in the alien population (presented in table 7) these statistics indicate a remarkable degree of mobility among our foreign born residents.

8. The educational level of foreign born adults is significantly lower than that of residents born in Hawaii or on the mainland. Among Island residents 25 years old and over in 1975, 81.5 percent of those with no formal schooling, 63.2 percent of those who had completed 1 to 4 years of school, and 29.5 percent of the group with 5 to 8 years completed were foreign born. At the other end of the scale, only 14.0 percent of the adults with 1 to 4 years of college and 9.4 percent of those who had completed one or more years of graduate school were foreign born. See table 14.

9. The occupational status of foreign born workers is generally lower than that of persons born in Hawaii or

the other 49 States. Among professional and technical 18
workers, for example, only 8.4 percent of the males and 8.2 percent of the females in 1975 were foreign born. For household and service workers and laboreres, however, the corresponding percentages ranged between 20 and 20. See table 15.

10. By industry, foreign born workers in 1975 were overrepresented in agriculture and manufacturing and underrepresented in finance, insurance, and real estate and public administration. In agriculture, for example, a fourth of all workers were foreign born, while only 4.7 percent of all public administration employees were in that category. See table 16.

11. Family incomes likewise differ by the place of birth of the family head. Among civilian families, the median money income reported in 1975 was $17,171 for those headed by a mainlander, $14,382 for those with an Island born head, and $10,436 for families with foreign born heads. Among the latter group, medians were highest for the Chinese and miscellaneous group (mostly of European origin) and lowest for those from the Philippines. Similar income differentials were evident for military families and for unrelated individuals. See tables 17 to 21.

Except for the alien address reports, the most recent survey on citizenship status was conducted in the

spring of 1976. This survey, covering 38,818 persons on the six largest islands, found that 87.6 percent of the population was native born, 4.7 percent were naturalized citizens, 0.3 percent were U.S. nationals, and 7.3 percent were aliens. By island, the percentage of aliens ranged from 4.8 on the Big Island to 19.6 on Lanai. Only 3.9 percent of all persons under 20 years old were aliens, compared with 17.6 percent of those 60 and over. Detailed information is given in table 22.

According to the 1970 census, 275,000 Hawaii residents checked some tongue other than English when asked, "What language other than English, was spoken in this person's home when he was a child?" The most commonly cited mother tongues, other than English, were Japanese, 116,900; Filipino, 50,200, most of whom probably referred to Ilocano; and Chinese, 26,900.

Many of thsee persons were born in Hawaii or on the mainland. The wording of the census question unfortunately failed to distinguish between occasional and dominant use of non-English tongues, and thus had limited value. These statistics are reported in table 23.

Notwithstanding the large number of persons with a "mother tongue" other than English, most Islanders read, write, and speak English with considerable fluency. According to results of the survey made for the Lieutenant Governor's office in 1976, 93.3 percent of all persons 18 years

old and over were able to understand English easily, 5.7 percent could understand it with difficulty, and only 1.0 percent could not understand English. In 1977, the Hawaii State Department of Education counted 9,340 students in public elementary and secondary schools who had limited English speaking ability: 1,133 who were menolingual in a different tongue; 1,342 for whom their original language was dominant, 4,126 who were bilingual, and 2,739 for whom English was dominant. The most common original languages among the 9,340 students were Ilocano, 3,232; Samoan, 1,595; and Korean, 1,057.

Further breakdowns appear in tables 24 and 25.

Significantly greater numbers of mainlanders seek work in Hawaii than vice versa. In 1977, some 5,846 Hawaii workers sought employment and filed for benefits on the mainland, while 8,154 mainland workers filed claims for unemployment insurance and registered for work with the Hawaii State Employment Service. Annual statistics back to 1970 appear in table 26.

Relatively few retired persons move to Hawaii, perhaps because of the high cost of living. During the year ended June 30, 1976, 803 Old-Age and Survivors Insurance beneficiaries, 65 yeras old and over, migrated to Hawaii from other States and territories, and 499 left the Islands. The net gain, 304 persons, was the largest net annual increase

since records were first tabulated in 1962. Trends are traced in table 27.

Approximately a third of all public welfare cases receiving financial assistance as of March 1978 had been born elsewhere, and only 4.8 percent had lived in Hawaii less than one year. Both figures are generally consistent with data for the total population. Far higher proportions of mainlanders and foreign born residents were participating in the food stamp program.

Table 28 presents welfare statistics by place of birth and length of residence.

Those are the major statistical series bearing on immigration and in some respects interstate migration. for Hawaii. And, there are other series considerably less general. If you're interested, I can tell you about it.

MS. PUTMAN: Thank you. We do have a few questions for you.

Do you want to start out with a question?

MS. MANUEL: You touched upon the language portion. We have the same problem here with the Hawaiian people. We have the same problem with the language problem.

And, in our area we are concerned. There are special programs especially for Filipinos and Somoans. But, there is no special program in any of the public schools for Hawaiian children.

Now, this is not pitying majorities. That's not what we are trying to do.

But, how do we address the problems there?

MR. SCHMITT: Well, that survey by the Department of Education found only 114 persons whose original language was Hawaiian. And, of those, only 48 were either -- did not speak English or spoke primarily Hawaiian. Of course, what this misses is the population who presumably grew up speaking ~~English of a sort. But, it may have been~~ substandard type of English.

It would not get those who grew up in an area that spoke primarily pidgen, for example, which, I suppose, by definition of the DOE is English. But, that would certainly create language problems for anyone who did not speak a standard variety of English.

On the programs, I can't help. My concern has been primarily with statistics.

I think that would be a question best addressed to one of the specialists listed that you might have here today.

I can't help you on that.

MS. THOMPSON: I have a couple of questions. Frequently when we get bogged down with statistics and findings and so on, do you as a researcher, have you in anyway tried to interpret this data that might shed some light on

this consultation and on all the facts and figures?

MR. SCHMITT: Drawing general conclusions would be a little like, I think, trying to draw general conclusions from the Honolulu Telephone Book.

There are so many facts here. I have concentrated on really trying to present the statistics and the specific findings. But, I really haven't gotten into any implications for action, for example.

MS. THOMPSON: I think this coincides with the question Ms. Manuel asked you.

MR. SCHMITT: And, certainly, now that all the figures are here, presumably, a large number of figures, what does all this mean?

It certainly shows a very sizeable increment population here. And, it has many problems, such as social welfare problems; lower income; lower socioeconomic status, or occupational status.

And, unfortunately, none of these statistics really bear on the question of, say, discrimination. We don't really have good statistics on that. You might infer, for example, from the statistics on the occupations status that because the immigrants tend to be heavily concentrated in lower level jobs with lower incomes, you think they are being discriminated against.

However, the statistics also show that the immigrants

are predominantly of a lower educational level. And, that is, presumably, not because they are being discriminated against, but because they are from a country where they had less opportunity to go to school. So, that is not an American problem in the sense, I mean, providing elementary or high school education.

Of course, it does suggest a need for adult education. The only way we can really get at the question of discrimination would be to, say, cross-tabulate something like the educational level by place of birth or, maybe, by one's residence or by occupation or get income data separately for immigrants and Hawaii born and mainland born persons cross-tabulated by the educational level.

Now, those would -- you might find, for example, that just as you find in the case of women, that women of a given educational level are often earning less than men of the same educational level.

MS. PUTMAN: Substantially less.

MR. SCHMITT: And, fortunately for women there is a big enough sample to cross-tabulate. However, the aliens are a fairly small group, not in absolute terms, but in the sense of a sample like this. So, when you cross-tabulate in so many levels statistically you wind up with too small a sample for accurate data. And, a sampling variation can often fuzz up the conclusions so much that

you really can't say anything firmly.

MS. THOMPSON: I think Mr. Schmitt answered the question that there are some problems relating to this discrimination in terms of all these statistics. And, sometimes we tend to stop at the statistics, and not go on with the interpretation.

MR. SCHMITT: Of course, that's a starting point.

MS. THOMPSON: Right. I kind of wanted to get that on the record that there are some other things to consider.

MS. THOMPSON: I noticed you mentioned Puerto Ricans, Spanish-Americans and you didn't get into Indians. But, is that considered the "others" throughout your data?

MR. SCHMITT: Are you referring to American Indians? Is that what you are referring to?

MS. THOMPSON: I am thinking about comparing Hawaii with the mainland. You know, these are concerns of the mainland, and we have never had any problem. I don't see it addressed here.

MR. SCHMITT: The ethnic statistics, of course, in place of birth, -- well Indians were typically either American Indians or the Canadian Indians or perhaps Mexican Indians, or South American Indians. In the ethnic statistics, they are in the miscellaneous category. And, the reason for that is that in the dicennial census, they were found

to be such a small group, that in a sample like this the sample would be much too small for the data to be combined.

Now, in 1970, the Indian population, as I recall, was something like 1,300. And, many of those were on the reservations, the military reservations.

MS. THOMPSON: In Hawaii?

MR. SCHMITT: Yes. That is, in military reservations. In other words, many of the American Indians here are members of the armed forces or dependents.

And, just as the Black population, it is very heavily concentrated in the armed forces, either as military personnel or their dependents.

We have relatively few Island Blacks; and just as we have relatively few Island Indians.

The numbers are quite small. And, subsequently they are often combined with other categories in census statistics.

MS. THOMPSON: Now, the Spanish-Americans and the Puerto Ricans, once again, which make up a large majority on the mainland, aren't such a significant number here in Hawaii?

MR. SCHMITT: We do have a table which gives the number of ethnic Puerto Ricans. But, that table, in this table 10 shows 537 Puerto Ricans. Now, this is based upon Hawaii's census definitions. In 1976 there was also a

tabulation using the Bureau of Census' definition, which takes all persons of mixed race and forces them into one of the so-called pure races.

But, here, you will notice that there are two groups of mixed races shown separately: Part Hawaiian and Mixed other than Part Hawaiian.

And, the trouble with the Puerto Ricans is that most of them arrived in 1901, 1902, around there. And there were two subsequent migrations, with a several hundred in each case, I'm not sure, in about 1906 or thereabouts. And, then, again, right after World War I.

But, the problem with Puerto Ricans is that they came long ago and there are now third and fourth generation Islanders. And, like many Islanders they have engaged in interracial marriages.

Interracial marriage in Hawaii is very strongly correlated with the size of the group. The smaller the group, the more likely they are to inter-marry. And, so, a large group, like the Japanese, for example, has had much less inter-marriages than the smaller groups, like the Koreans.

So, many people are part Puerto Rican. And, they are grouped in this category called "mixed sub-part Hawaiians" of 74,000.

Now, many of those mixed other part-Hawaiians are,

say, Caucasian father, and Japanese mother, or Somoan mother and Filipino father -- that sort of thing.

But, there are also a fair number of Puerto Ricans who are mixed with some other group. And, the result has been a washing out of the pure group, which, of course, is sort of an abstraction anyhow because the Puerto Ricans are of a mixed race back in Puerto Rico, really; just as Filipinos are not totally unmixed. Yet, we consider them a pure group for statistical purposes here.

The census category which covers persons of Spanish inherity is a mixture of, say, Cubans in Florida and Puerto Ricans in New York, and Mexicans in California and so on has been a not too useful category for Hawaii because, for one thing there seems to be some confusion. Portuguese, for example, is a major ethnic group here. It was treated separately until the late '30s. Some persons with Portuguese backgrounds have names that are quite Spanish, and sometimes get classified that way.

Similarly some Filipinos have Spanish names and they get disclassified. And, many persons of Spanish heritage, with a Spanish mother tongue you might say, are in the armed forces and many of the statistics do exclude the 30,000 persons in the military or in institutions.

MS. THOMPSON: Thank you. I wanted, also, to get that on the record.

May I ask you one other question?

MS. PUTMAN: Yes.

MS. THOMPSON: A couple of times you have mentioned Canadian migration here, but felt that someway we had fallen down on categorizing them or denoting them in the population and so on.

Could you just briefly tell me why that is?

MR. SCHMITT: It was just an effort to note the Canadians are sort of a special kind of immigrant to Hawaii of often a much higher socioeconomic status than other immigrants. And, they are not viewed as such by the local people very often. I mean, a Canadian is often viewed very often much closer to an American from Washington State or Michigan than he is to the traditional concept of the immigrant, say, in Hawaii, a Filipino or a Japanese. So, sometimes people tend to think of stereotypes and they fail to recognize that the immigrant totals include Canadians, who, by the way, are a special statistical problem because so many of them come here on a part-time basis. It's hard to decide if they are visitors or intended residents.

MS. PUTMAN: You're talking about the snowbirds?

MR. SCHMITT: Yes. They seem to have settled on Maui in large numbers. So, I was just trying to point out that sometimes the statistics fail to recognize that there are certain groups delute the data for other purposes.

I don't think anybody is concerned, for example, over discrimination against somebody from British Columbia or Alberta because they are quite often living here and are reasonably wealthy and retired.

MS. PUTMAN: Could you go through this thing again, the people with mixed heritage, are they always tabulated in mixed? It seems to me that I heard at one time it was the father's ethnic identity that carried over to the child?

MR. SCHMITT: This has changing. And, it is something that is confusion statistically.

Up through 1950 the dicennial census, if you were of mixed race, and by the way, the pure races included as late as 1950 the category called Puerto Rican, after 1950, the census classified Puerto Ricans as either White or Black, mostly White. So, they were no longer a racial group, they became a place of birth group instead. But, through 1950 if you had any fraction of Hawaiian blood, other than 100 percent, you were classified as Part Hawaiian. And, most persons of mixed race were Part Hawaiian.

And, the one thing they had in common was the Hawaiian fraction. So, that is why they were called Part Hawaiian. They may have been one-fourth Hawaiian and three-quarters Chinese, but the one element that most persons of mixed race had in common was the Hawaiian factor. So, they were called Part Hawaiian.

But, in 1950, the first and only time the census asked a further question: are you of mixed race? So, other persons who were of other mixtures were than broken down.

For example, they would be arbitrarily classified as Japanese, and there was a subtotal under that for those who were actually mixed. For census purposes, except in that one tabulation, if you were Part Hawaiian, you were Part Hawaiian. If you were a mixture other than Part Hawaiian, you were classified by the race of your father, unless you were part Caucasian.

Being White, you had to be a local White. That is, if you were part Caucasian and part something else, you were by race a non-White parent.

And, by 1950, incidentially, Portuguese were no longer treated in a subcategory as Caucasian. Through 1930 censuses Portuguese were called Protuguese under a subtotal which was Caucasian along with the so-called haoles, the persons with European ancestry.

Then in 1960, the census changed -- dropped the mixture question, and changed the coverage of Puerto Ricans, they were no longer treated as such a group. They continued to have Part Hawaiians for certain special purposes.

There were a few tabulations made including a table in the report, the report on non-White population by

race, but otherwise they were thrown into the miscellaneous category.

But, they still treated persons of mixed race other than Part Hawaiians as either, by race with a non-White parent or part White by race or father or otherwise.

In 1970, everything got changed. Any person of mixed race -- first of all -- the questionaire mailed out to every mailbox in the State, every residential address, was picked up by enumerators.

This was unlike the mainland where there was a questionaire that said, "What race are you?" Then, it listed eight or nine races and then a box for "other, please specify". And, there was no instructions. So, a person of mixed race very often didn't know how to handle this, especially Part Hawaiians. And, some of them based on some informal discussion said, "Well, my name is Chinese, I'll put down Chinese." Others would say, "I'm 5/8ths Chinese, therefore, I'll put down I'm Chinese."

Or, they would say, "I'm proudest of this part of my background."

There are all different reasons, with no uniformity. Some would put down if they were, say, Chinese/Hawaiian, they'd mark both. And, then the census enumerator he would -- if he came by and saw that -- say, "Please cross out one of those, and put down one." If he didn't see it, it

was edited in the census office, and they would take the one higher on the list.

Or, if they put down Chinese/Hawaiian, he put down Chinese. If you put down Hawaiian/Chinese, it would be Hawaiian -- whichever came first you see.

If, on the other hand, he didn't mark anything and the person who came by to pick up the form saw this, and the person said, "What am I?" He would say, "Put down the race of your father."

MS. PUTMAN: Do you know what is going to happen with the 1980 census?

MR. SCHMITT: Yes. There will be two things. First, there will be some instructions as to the form, at least that was their original intention after we brought this up.

Second, they said if the persons asks specificially he would be instructed to put down the race of his mother.

Since many of the mixtures here includes, say, a Caucasian father and a non-Caucasian mother, or say in the case of a Chinese/Hawaiian, it would very often be a Chinese father and a Hawaiian mother, then it becomes a -- of course it changes the practice of ten years earlier. It is not comparable to 1970, it's not comparable to 1960. It is not comparable to 1950.

There is no trend information available that's meaningful. There is no possibility of combining census

statistics. The Health Surveillance Program survey does do it in such a way that it is coded either by the 1950 census, or they can code it by the one that I showed here, where persons of mixed race are shown as either Part Hawaiian or mixed other than Part Hawaiian.

But, we have considerable chaos in our classifications here, and I'm beginning to wish that we could forget the subject of race entirely. It is becoming less and less meaningful.

MS. PUTMAN: One final question; it is kind of a two-part one: I want to see if there are some distinctions between this State and other States. Do you know whether other States compile data as we are trying to do on the inmigrant popoulation. And, second, you said that we have a significantly high portion of immigrants in our population. How does that compare with other States?

MR. SCHMITT: First, the compilation of data: Hawaii probably has more information on this subject than any other States. Most States are limited to just one set of statistics on migration, well, two sets. One is the dicennial census which asks, "Where did you live five years ago?" "Where were you born?" "What is your mother tongue?" And, so on.

The other is the information published annually by the Immigration and Naturalization Service: immigrants arriving in the U.S. who declare each State as their intended

residence. Very few States have locally available statistics, and some have none.

Hawaii is extremely fortunate in this regard. Part of this is because we have locally available sources, because we have such a nice, geographic administrative set-up. I mean, our boarders are wet -- you'll have to cross an ocean.

But, to go from, say, Clark County in Washington State to Oregon, you are crossing a State boundary, but you are in the same metropolitan area. So, on the mainland it is a much more different situation, geographically and statistically.

MR. PUTMAN: And, the second question about the relative proportion.

MR. SCHMITT: Oh, yes. I haven't seen any figures in the last two years. The last time we calculated it was in 1975, as I recall.

But, in the number of immigrants in Hawaii, we were far above any other State. Second, in the reports on aliens, the proportion of the population that were aliens we were highest. In the 1970 census we were the highest for both foreign born and what we called population of foreign stock, which included persons of mixed or foreign parentage. In other words, either both parents were foreign born, or one parent was foreign born.

So, that we have in recent years been either at the

top or within the first one or two. There have been a few years when we've dropped below in one category or another.

Over this long term period we have outscored every other State in accepting immigrants.

MS. PUTMAN: Thank you very much.

MR. O'SHEA: May I clarify that?

MR. SCHMITT: Certainly.

MS. PUTMAN: This is John O'Shea.

MR. O'SHEA: My name is O'Shea, I'm the Director of Immigration. We don't get more immigrants here, say, than California, but we do get more in proportion to our total population.

MR. SCHMITT: I should have made that clearer. Thank you.

MS. PUTMAN: Thanks very much, Bob.

Our next expert witness is Dr. Robert Gardner and Dr. Peter Smith, both of whom are research associates at the East-West Population Institute.

MR. SMITH: The task that Dr. Gardner and I have been given is to try and focus the discussion now on one particular immigrant group in Hawaii, namely, the Filipinos, who are at the moment the largest single group migrating through the State.

And, what we will do is as follows: I have some general material to present on the social characteristics,

and in essence the demography of Filipinos in the United States, focusing on immigrant Filipinos.

And, Dr. Gardner will carry the discussion further when I'm finished to the social characteristics and economic characteristics of Filipinos, both immigrants and native born in the State of Hawaii in the recent past. This is recent survey data that we will be looking at.

So, my remarks should be looked upon as a kind of a general introduction, and the more specific, more focused comments will be given by Dr. Gardner.

As I think most of us realize, Filipinos have been immigrating to the United States for some time from the earlier decades of this century, although in small numbers. There have been two substantial periods of Filipino immigration to the United States. In fact, these are referred to as the first and second waves or the first and second streams of immigration.

The first was in connection with the labor migration largely young men coming to the State of Hawaii and to the State of California and less to the other States for the pursuit of work opportunities. The motivation for that migration was almost exclusively work related. And, the intention of many of these men was not to remain in the United States but to go home. Many of these men were unable to go home or they changed their minds, and they

concentrated in California and in Hawaii.

The second wave of migration has been much more recent, essentially post-1965 and post-1968, and has an entirely different social and economic composition.

So, we will look at some numbers which will clarify some of those points.

This first table (Shown on slides) simply describes in a general way the social composition of the Filipinos in the United States, on the U.S. mainland, this is not the State of Hawaii, but the mainland United States.

If we look at any particular indicator on this table, we see evidence, or if we put the picture together, we see evidence of three things. And, I'll try to summarize it without going into specific details.

We can make these tables available to anyone who would like them.

First there is here evidence of a process known as assimilation, at least in economic terms of Filipinos going into the on-going society. The social and economic characteristics become more and more similar over the times to the social characterics of others in the U.S. population.

We see this in the sex ratio, the numbers of men and women. They start out very disportionate in favor of males in America, because a character of that early

migration was the labor factor.

More recently the sex ratio has essentially normalized, because of the growth of native born Filipino families, with male and female offsprings, and the immigration of males and females more recently.

There is also -- this table also reflects the growth of the native born population.

And, thirdly, the arrival of the second wave, much more highly educated, much more family oriented, was a factor also.

This is a chart summarizing the data that we have on the age and sex composition of the Filipino population. This is now for the country as a whole, including Hawaii.

For those of you who are not familiar with a chart like this, the horizonal axis is simple numbers of people in each of the age groups. And, the youngest age group is at the bottom, and the oldest is at the top.

Most populations have a broad pyramid type of shape, reflecting the migration pattern and the mortality patterns.

This table illustrates several things. First, we distinguish -- the shaded area is an estimate of the native born population of Filipino ancestry in the United States, taken from census data.

The unshaded area is an estimate of the foreign

or immigrant Filipino population in the United States.

And, this table is as of 1960, and one can see that the younger ages of the population is predominately native born, and the older ages are predominately foreign born, and predominately males. So, we have a clear reflection of what has happened by way of migration to this population.

If you try to keep that picture in your mind, roughly, we will get onto some other diagrams that we will compare with that.

This is another age/sex pyramid showing several of the things that have happened to the Filipino population more recently particularly when we compare data from the two most recent census of 1960 and 1970.

The shaded area, the dark shaded area, is the Filipinos living in the State of Hawaii.

The lightly shaded area is the Filipinos in California.

And, the unshaded area are the Filipinos living in any other State in the United States.

One sees here that in 1960 there is a very major concentration of Filipinos in those two States. This is both immigrants and native born.

When we look at a similar chart, for 1970, several kinds of things seemed to have happened.

First of all, the numbers of Filipinos residing

somewhere other than California or Hawaii has increased dramatically in the unshaded areas. It's much larger than it was in the past.

This represents the age and sex characteristics of the recent migrants to the United States.

In general, there has been a dispersion of Filipinos from primarily California and Hawaii to other States, and that's of the native born Filipinos, and, in addition the more recent arrivals who are dispersed throughout the United States.

One can also see the aging of that first wave of Filipino immigrants. The bulge in the distribution reflected in that early group is now smaller, mortality has occurred, as that was 10 years ago.

MR. SCHMITT: The Part Hawaiians who were Part Filipino were classified in Hawaii as Part Hawaiian in 1960, but in 1970 they were usually classified as Filipinos, which resulted in a very sizeable increase in the numbers. That was chiefly through reclassification.

MR. SMITH: Given this chart and the one before it, what sort of an affect would that have on the general shape of things?

MR. SCHMITT: It would affect the Hawaii data. There would be a sizeable increase of the number of Filipinos. I don't know if it would modify the age/sex patterns.

MR. SMITH: So, we get those kinds of changes with the caveat that has been raised.

Another pair of charts illustrates the urban and rural residence pattern of the Filipinos. This, again, the shaded area is those residing in urban areas in the United States. And, one sees a predominately urban population with the exception of substantial numbers of people living in the rural areas, primarily males in the older age group. Once, again, that reflects that first wave of agriculature labor oriented migration.

When we look at the same data for 1970, the few rural concentrations that had existed have largely disappeared, and we are now looking at what is essentially the urban population in all age groups and both sexes.

This, again, is a concentration from rural to urban areas on the one hand. And, the recent immigrants to the United States from the Philippines have had almost exclusive urban destinations.

The percentage of the rural destinations are less than one percent.

We have tried to make an estimate of migration, which I am sure there may be some objections to in terms of statistical accuracy. But, I think we do get at least a general sort of picture of migration.

This chart reflects indirectly the estimated

numbers of migrants from outside the country into the United States, people of Filipino ancestry, during the 1960-1970 period. This is the United States as a whole.

The unshaded area represents people who were already in the United States in 1960. They may have been immigrants, and they may or may not have been citizens at that point in time. But, they were already in the United States.

The shaded area represents an estimate of arrivals since 1960. We only have an indirect estimate of the net flow into the United States.

What this tells us primarily is that recent immigrants, putting aside the first wave migrants, and just looking at what is really a post-1965 migration. These people have been primarily young adults, and in some cases teenagers. And, they have been disportionately female.

This is in sharp contrast to the earlier flow which was disportionately male.

The more recent streams have been much more balanced in terms of sex ratios, but favoring, if anything, females in terms of numbers.

This, again, reflects the kinds of decisions that are being made in the Philippines about who ought to be migrating in the particular families.

Now, I have three charts which summarize similar kinds of information for three metropolitan areas in the

United States.

The purpose of showing you these was to begin to focus on Hawaii and the particular kinds of Filipino immigrants we have here and the different kinds of problems that we have here.

First, I'll show you patterns from two major metropolitan areas on the mainland: Los Angeles and Chicago. These, again, are indirectly estimated numbers of net migrants by age and sex.

The shaded area indicates migrants. This is Los Angeles, and one sees that the migrants are primarily in the younger age groups, somewhat of a bias in favor of females.

But, in particular it shows that the non-migrant population, those that were already here in 1960, is not especially large in relation to the migrant population.

The migrants are a substantial fraction of the total.

Similarly, in fact a more extreme fraction, in the Chicago metropolitan area those who were in the United States before 1960 have, in fact, a small number in each of the age groups.

The largest number is the shaded area, and are people who have arrived since 1960. Here we see a substantial bias in favor of females over males amongst the migrants.

I suppose, without substantiation, one would

think that this represents the opportunities for trained medical personnel. Many of the females who were migrants were in that field.

Take those two general patterns and contrast them with the same sort of information for the Honolulu metropolitan area.

Here we find that in contrast non-migrants, that is, those who were here before 1960, make up the larger share by fair of the total.

We have here the long term Filipino population with its own on-going social system. I'll show later a substantial number of children in these families and a large native born Filipino population.

More recently we have added immigrants who, while there are substantial numbers of these immigrants, they are not a large number in relation to non-immigrants -- that is not correct -- it's smaller in relation to the numbers of Filipinos which were here prior to 1060.

There is some bias in favor of females amongst the newer immigrants. But, it's not a substantial bias. But, in fact, what we are getting is the arrival of families into the State.

So, the Honolulu migration, which is in essence the State migration, is quite different from the kinds of migration you might see in other parts of the State.

The Chicago and Los Angeles data are, in fact, representative of essentially any other metropolitan area.. We have done these charts for others, and they have come out about the same way.

Having focused finally Filipinos living in the State of Hawaii, let's look for just a moment at some social and economic characteristics of Filipinos in Hawaii.

This is not quite readable, but let me summarize the points that are there.

First of all, the Honolulu migrant population -- or I should say the Filipino population as a whole, is not growing as rapidly, nearly as rapidly, as the Filipino population in other bigger metropolitan areas in the United States.

The main reason for this is that we start with a large base, a large number of Filipinos who were already here.

There has been -- these numbers that you can't read are some sex ratios showing that the proportion of the population which is male has been extremely high in the past, and is now moving toward a more regular sort of equal distribution.

This shift, which has been very dramatic, represents a shift in the kind of migration we have had. Migration to Hawaii has been recently predominately female whereas

in the past it has been male.

In addition, Filipino families in the State are having children of both sexes and this sort of equal outs the sex ratios...

We have -- this data show mainly families comprised of husbands, wives, and children to a much greater degree than one finds in the Filipino population elsewhere in the country.

In other parts of the country one finds a greater number of single people living together, for example, nurses living in dormitories and elderly men living in a dormitory situation alone.

While we do have that kind of pattern here, it represents a major issue here, and a civil rights issue as well.

Numerically it is not nearly as common in many of the other States.

These data also show the Filipinos in this State have substantially more children per couple than Filipinos in other States of the United States. Although, interestingly, there have been far fewer children of Filipinos in the Philippines.

So, again, it's interesting. There really is evidence of behavior change or some kind of selection process. Such as, Filipinos living in Hawaii behave with respect to

having children, they behave in way that is kind of intermediate, between the original behavior in the Philippines and, say, the average American behavior.

Households in this State of Filipinos are larger on an average than elsewhere in the country, and yet they have smaller numbers of unrelated individuals living in them.

In other words, the larger size reflects larger numbers of relatives and related individuals in these households, partly because they have more children and perhaps partly because of social patterns that encourage people who are related to a particular family that come to the United States, at least temporarily.

Compared to other populations on the mainland, our Filipinos have much lower proportions who are trained as professionals, and higher proportions who are working in the service and blue collar occupations. This is, I think, a reflection of the Filipino population in this State in general; and, also it reflects the particular kinds of migrations that other States are getting, predominately professionally oriented, trained, kind of individuals. This would be in New York, Chicago, et cetera.

We are getting those kinds of migrants and we are also getting the more traditional one. So, our picture is much more mixed.

Two other charts which we will look at just very briefly, in fact, I think I'll not put them up, because we wouldn't be able to read them anyway.

A 1960 census developed indicators of social status. These were combined measures of individuals occupations and income and education. We combined these in a particular way. And, when you look at those kinds of figures separately for the different ethnic groups, Filipinos, Chinese, Japanese, Americans Blacks, Whites, et cetera, in 1960, one finds that the Filipino population of the groups that I just mentioned stands second from the bottom, second only to American Blacks on these social and economic measures.

Significantly, though, by 1970, when you look at a different measure because the kind of measure that I just described was not contingent, but somewhat of an analogous sort of figure, one finds a much more mixed picture, and a good deal of evidence that the average social and economic attainment of the Filipino population in the U.S. has increased very dramatically.

And, in many specific regions in the country one sees the average Filipino rating on this measure higher than the Japanese and Chinese, and higher than the Blacks; and, essentially, equal to the actual to the U.S. national average. Some regions are lower and some regions are higher.

So, it's a much more mixed picture. Whereas, 50
in 1960 the pattern was quite uniform. The Filipinos were quite lower than everybody else, except the American Blacks, who were at the bottom.

It's not clear what that shift in 1960 and 1970 represents. It may simply represent -- reflect the social and economic composition of migrants between 1960 and 1970 who on the whole have been more highly educated, and as they come in they pull up the national average.

So, mainly it reflects the social and economic attainment of the native born Filipinos, or for the Filipinos who were here before 1960.

That's all I have by way of charts that I wanted to show you.

I think in order to lead in a bit into what Bob Gardner will have to say, let me make just a few statements that are drawn from the reports of the Immigration and Naturalization Service, through 1970, which show broad changes in the composition and numbers of Filipinos coming to the United States.

Of the immigrants to this country on a whole, Asians have accounted for a rising fraction. It has increased to about 25 percent in 1970. And, in 1976 the data showed approximately 38 percent of all people immigranting to the United States had Asian origin. That is a substantial

fraction.

Eight or nine percent have the Philippines as their country of origin. And, 7.7 percent in 1976 had Korea as their country of origin.

The statistic for the Philippines has been holding approximately constant. The Korean figure has been increasing year by year.

Of all of the Asian immigration to the United States, those two countries, Korea and the Philippines, account for about 45 percent.

The figures are, of course, different for Hawaii. Our largest immigrant groups are the Filipinos and Koreans. And, together they account for the largest proportion.

The proportion coming from Asian countries to Hawaii was far in excess of the national figure.

Of all immigrants to the United States, a rising fraction have come through Pacific ports of entry and the fraction coming through the Honolulu port of entry in 1976 was 14 percent, about one in seven.

These immigrants have been in the recent past been predominately the younger age groups and have been predominately female. And, as I said earlier, they have been almost exclusively indicated urban destinations. Less than one percent have indicated otherwise.

Perhaps just a word or two in response to the

relevance question that Miss Thompson raised earlier.

It is certainly a valid question, one that all statisticians to one degree or another are working on.

But, we were asked to come today and try to create a descriptive setting within which civil rights issues could be discussed.

We can see from all of these data, and from the figures that Dr. Gardner will be presenting, that we have in this State growing numbers of recent arrivals.

The fraction of people who have arrived here within the last two years, say, is an increasing number.

As I said earlier, the two major countries of origin are Korea and the Philippines, and neither of these countries has a particularly spectacular record on civil rights.

I think in general we are seeing the arrival of people who are not accustomed, in general, to a situation in which one can pursue one's civil rights, either in governmental agencies or otherwise.

It seems to me that one of the things we might do is engage in helping these individuals learn what their civil rights are, what their rights in general are, what the system is here in this State and the country -- how it works, what sorts of offices there are. This is an enormous building we are in today. It took me about ten

minutes to get here -- I was wondering around.

It is very important, partly because we have a population of relatively low education, and perhaps relatively low sophistication in some respects.

And, it's a population that is simply not accustomed to the notion of civil rights, at least in those two countries that most of the migrants are coming from. And, I'm speaking especially of the recent past.

MS. PUTMAN: But, they had some spirit of adventure to make the move?

MR. SMITH: One would think so, yes.

We can expect among other things much more severe problems in schools for these individuals than for the population as a whole. Partly that is because of the illiteracy and the educational level of the parents and of the children, and also because of the numbers of children.

As I said earlier, for the Filipinos, they have substantially more children per couple than the average American family.

If you look at the age and sex and ethnic composition of the school system, it's very different in an understandable way from the ethnic composition of the population as a whole.

There are disproportionately larger numbers of immigrants especially in the Korean and Filipino areas.

This reflects, among other things, the number of

children they are having.

I'm a little disappointed that we don't have more representation from the Department of Education, because there is great importance in these matters.

There is the general question of job discrimination. But, none of these data provide evidence of job discrimination. But, they certainly raise the question of job discrimination.

And, one other kind of issue just to illustrate the sorts of things that can come up. Looking again at the Filipino population, one of the patterns one sees in these data if you go back to these pyramids that I have, you have disproportionate numbers of older males and younger females. It is demographically a peculiar sort of age/sex structure. And, in many instances, one see this peculiar age/sex composition at the level of the family as well.

Where you can find an elderly man married to a substantially younger female. And, this family has children, then, in essence, it's a three generation family, though not in the usual sense of the three generation family of grandparents, parents and children. But, it's an elderly father and a much younger mother and children.

This raises an issue that comes straight out of the demography of the situation, where an elderly male parent has a much lower life expectancy than the much

younger female, partly because women live longer, and partly because she is so much younger.

Those children are very likely to be single parent children before very long. They will likely be living only with their mother, without their father before too much time has past.

There are certainly social implications, I think, as perhaps as well as civil rights implications of that kind of situation.

I simply use that to illustrate the ways in which the demographic structure of the population gives rise to the social situation which then may raise questions about social problems and perhaps civil rights problems.

MS. PUTMAN: Thank you very much, Dr. Smith.

Can we hear from Dr. Gardner now?

We will hold off our questions for you until both of you have made your presentation.

MR. GARDNER: If you haven't had enough numbers, I'm going to give you a few more.

This will be very descriptive just like Bob's presentation, with emphasis on, again, Filipinos and comparing them with other ethnic groups first, then focusing on differences within the Filipino community, especially the immigrants, and especially the recent immigrants.

I'm defining an immigrant as anyone who has a

foreign place of birth.

Something Bob didn't mention is, in 1975 the Office of Economic Opportunity conducted what is called a census up-date survey of the Islands of Maui, Kauai, and Oahu.

Kauai had a separate survey in 1974.

These data refer just to the Island of Oahu, or the Honolulu metropolitan area, they are the same thing. So, we will not have data for the State as a whole.

These are sample figures, and as Bob mentioned, they do not have validity the same way the census does, especially when you get to groups with small numbers. They may not be valid for the State as a whole or for that group if you were to do a census and ask the same questions.

By and large, though, the figures for Oahu probably represent the State to a good extent. A couple of points to keep in mind as a go along: whenever you mention a summary measure for a group, such as Filipinos or Chinese or anybody, this measure may be affected by the age of the distribution of that population.

For instance, you might have Filipinos and Chinese making the same amount of money, the same income, at every age. There's no difference at all.

But, if the Filipinos had an older age distribution where incomes tend to be lower, and you put the average income for both Filipinos and Chinese, you get a higher average,

because they have more people in the higher ages.

Let's go through the discussion. A point which we will get at later in my discussion will be that the immigrant Filipinos, the much more recent immigrants have much different characteristics, and I'll try to show some of those characteristics for these different groups.

A few facts: the Honolulu metropolitan area and the Honolulu City Proper ranked first among all cities and metropolitan areas in the country in terms of the number of Filipinos in 1970.

And, also, Hawaii as a State had 20 percent of all the Filipinos in the United States.

How many Filipinos we have exactly is hard to tell, because of the definition. Using the census definition, it is probably well over 100,000.

This includes both immigrants and local born.

If you look at this table, which is for Oahu, the Filipinos, according to the O.E.O.'s census definition is a self evaluation. You ask the person what ethnic group they belong to, and they reply to that.

The Filipinos were just over 10 percent of the total population of Oahu in 1975.

In looking at the foreign born as a portion of these people, we see that the Filipinos -- 42 percent of all the foreign born people in the State are Filipinos

as of 1975.

And, of all the Filipinos in the State, over half are foreign born.

The Filipinos dominate the situation in Hawaii whether you look at it from one direction or another direction.

What I want to do is to go through different groupings of Filipinos and examine their employment status, their occupational status, and their income and education. Let's focus on these four.

Some of these I have tables for and some I don't have.

For unemployment, people who want to have a job, basically, and don't have them, Filipinos show low unemployment.

Filipinos looking for jobs by and large in the State and finds one, the umemployment is less than average for the State as a whole.

That sounds like a good indication status because unemployment is low.

But, if we then ask what kinds of jobs Filipinos are in, using one of the classifications that Bob mentioned, which is called professional, technical and management careers or occupations at the top of the list, Filipinos have a relatively low proportion in these kinds of occupations.

Also in other white collar occupations, clerical and sales, Filipinos tend to have relatively few people in those occupations.

So, although there are few unemployed, there are few employed in the higher occupational level, the higher paying jobs.

And, if we look at educational levels of the Filipinos in the State -- in Oahu -- pardon me -- as well, their educational level tends to be slightly lower than the educational levels of other ethnic groups and for the total for the Island.

We have low unemployment, low occupational status, an educational level slightly below average and this comes to a head in the income of the different ethnic groups on the Island. In spite of the low unemployment the Filipinos as a group, again, including immigrants and local born, have low income. They are concentrated in the low-paying jobs and their incomes are below those for the average Island income for most groups on the Island.

To show a little bit of a summary of where Filipinos live in the State -- rather on the Island. They tend to cluster to two or three places. They are found more than anywhere else in the Kalihi-Palama area, as I suspect all of you know, and also in an area which we have defined as Waipahu Ewa.

These areas are interesting because these tables show that not only do Filipinos cluster in these areas, but foreign born Filipino cluster in those areas, and there is a low occupation, low education status.

Now, if we look at no longer all Filipinos, but all foreign born Filipinos, rather Filipinos by migration status, now focusing on Filipinos as a group, and not comparing them with other ethnic groups, but comparing them within themselves, we can go through the same four topics of unemployment, occupation, education and income and see how they rank according to migration status.

Now we start to differentiate between local born Filipinos and the foreign born Filipinos. As far as unemployment is concerned, it seems that foreign born have lower unemployment than the local born. This is true of almost all of the areas of residence and for both sexes. Now, you wonder why the local born seem to have more trouble finding a job than the foreign born. And the answer seems to be similar to the answer we have when we compare Filipinos with non-Filipinos. That is, the local born Filipinos do not seem to be as satisfied with the lower paying jobs, the lower status jobs.

The immigrants who come and get a job right away, it is not necessarily a high status job, and they need that job.

So, unemployment is low among the foreign born. 61

If you look at the proportion or the median number of years of schooling, for the different migration statuses, we find that in spite of their -- we find that the educational status of foreign born migrants is lower than the local born.

So, the migrants who come here find jobs quickly but seem to have lower educational status.

This brings up a point which I want to bring up again in a minute, and that is that considering all the migrants together is risky, just as considering it without any age breakdown is risky.

In this case we have different waves of Filipino migrants who came here with very low education. The more recent migrants, the ones who arrive now, have much higher levels of education.

This kind of table that you often see can be used to base the statistics on conceals the fact that the more recent migrants to Hawaii or Oahu have much more education than the earlier migrants.

So, we will get into that more in a minute.

As a result of their experience in the State, the local born versus foreign born, the income of the foreign born is much below the income of the local born Filipinos.

So, they rank okay on unemployment, but they are poorly off with regard to education, and, therefore, if you

wish to make a connection with regard to employment in the State and with regard to income in the State or in Oahu, I don't have any reason to suspect that this would be any different for the other Islands.

Okay, as I mentioned, some of the migrants came here long ago and are old. Some of the migrants are just arriving and they tend to be much younger and of a different background, less rural, more urban, more professional than the early migrants.

If you compare within the migrants, you will find some strong differences and something which gives us more information about what the future might hold. We can look at the more recent migrants and say, "The migrants that will come might be more like that."

But, before doing that, I just want to make a few points about how Filipino migrants compare with other groups, basically from Asia.

Again, the Filipinos have low unemployment compared with other Asian immigrants. But, they have low occupational status compared to other immigrants, and low education and low income.

SO, compared to the other Asian immigrants who have settled on Oahu, the Filipinos seem to be worst off.

These are all Filipinos, again, and they attained a disproportionate number of older, first waves migrants.

What we looked at finally was a comparison within the foreign born population by number of years on the Island.

Unemployment, the most recent migrants, 07 years, basically the ones who have come since the migration laws have changed had high unemployment. They are not getting jobs as quickly as it seems from the earlier comparisons.

The people who have been here awhile have much lower unemployment. And, the people who are still looking for work from the early waves, had almost no unemployment whatsoever.

What kinds of jobs do they have? The recent migrants, the ones who have come the last seven years do not have many people in the top rank, in the professional, technical and managerial group.

The middle group here we have distinguished are those who have come less than 30 years abo, but not recently have the highest proportionate in the highest status jobs.

That is like migrants who have been here awhile. Time on the Island is an important factor. They probably came here and worked their way up.

But, even so, the highest ranking Filipino immigrants are still underrepresented in the higher status jobs. They are still much lower on an average. Even the ones who have made it best in the State, those are the ones who have

been here 10 or 15 years.

And, this is also true with regard to income. The highest income group are the middle group of migrants, the ones who have arrived not recently but were not really part of the agriculatural wave.

Again, it looks like the early migrants have had a chance to get established and become what is sometimes called adapted.

The more recent migrants are sill having problems getting into that upper level job. This in in spite of the fact that -- this is the characteristic which is probably most important in terms of the future.

The education of the most recent migrants, the Filipino migrants, is higher than that of the previous waves. They come here with more education and they might get some more when they arrive here. But, they are much better educated than the earlier wave. They are still in the lower paying jobs, in the lower status jobs, but the figures seem to indicate that given more time in the State give them more time to adapt and work their way up, they will probably rise in the social ladder and eventually become better off than the ones who have been here a long time.

That's going through unemployment, occupation, education and income very quickly. Let me summarize a little bit about this.

As far as unemployment is concerned, Filipinos don't seem to suffer very much, whether they are migrant or non-migrant.

The worst off are, in this case, or the local born because they are not willing to take the same kind of jobs that the recent migrants will when they arrive.

As far as occupation is concerned, all Filipinos show an underrepresentation in the professional, technical and managerial classes. The ones who have been born in the State are best off in this regard.

In education, Filipinos except for the most recent immigrants tend to show a slight deficit, but the differentials here are not really strong.

But, in income, Filipinos have very low income. This is lowest of all for the recent immigrants, but we can expect this to rise because of the their educational level.

So, by these standards, Filipinos, regarding of their immigration status, regardless of how long they have been here, do stand low on the socio-economic ladder.

A lot of this is caused by -- well -- it's influenced by the fact that we have a lot of recent immigrants here. But, even those who are born here or have been here a long time, are still underrepresented in the higher status occupations and have lower income.

Immigrants themselves rank low among all Asian

immigrants.

Whether we use income or proportion in the higher status occupations, we find that, almost without exception, no Filipino group comes really close to the Island's mean, with regard to that measures.

So, trying to get at the different groups within the Filipino population, and trying to get at factors such as time and education which affect them, we do try to group thme as a whole, which is our dominant immigrant group, and I guess the third largest ethnic group in the State.

Its an extremely disadvantaged position in terms of these objective measures as far as they can be calculated.

That's all I want to say in terms of these.

MS. THOMPSON: Just briefly, do you have any statistics on the voting population of the Filipinos here in the State and also the proportion of Filipino representatives in terms of the legislature?

MR. GARDNER: These certainly wouldn't come from these data.

MS. THOMSON: Bob, do you know?

MR. SCHMITT: For the last few legislatures we a data book on the ethnic composition as well as age, sex and other characteristics.

On the voting population, where up until the '30s, this was tabulated routinely on registered voters

by the Governor's office, but it hasn't been done since then.

The only thing we have on voters by race are some 1974 sample surveys made by the Honolulu Advertiser.

MS. PUTMAN: Would that material be in your data book?

MR. SCHMITT: Yes.

MS. PUTMAN: Could you arrange it so that we could have that?

MR. SCHMITT: Sure.

MR. GARDNER: The question of voters came up recently because several defendants in a trial on Maui claimed that the federal jury selection here discriminated against ethnic groups. IF you lived on another Island, you couldn't fly here. So, basically, the federal jury was selected from Oahu which had a different ethnic representation or distribution. This was brought up in court and I believe the grand jury was dissolved, and a new one was called.

MS. PUTMAN: Which data book was that in?

MR. SCHMITT: In the 1977 one.

MS. PUTMAN: Okay.

MR. SCHMITT: Also, in 1976, the spring of '76 a survey made for the Lieutenant Governor did get citizenship by age, by ethnic stock, and there are some reports on that put out by the Department of Health. And, I think those

get in that subject. Tom Birch or Dave Johnson can pro- 68
vide you with those reports.

MS. PUTMAN: Because we are having this consultation in Hawaii, and similar consultation have been and will be held in other States, I would like to know if you could make some general statement comparing the situations in these studies of Hawaii as contrasted to the rest of the United States.

MR. SMITH: Could you clarify the kind of contrast you want?

MS. PUTMAN: I think you've made some comments about the very high proportion of immigrants from the Philippines that have decided to live in Hawaii in contrast to going onto other States, and if you know if the data that you presented about occupation, unemployment, income and education, if that in general would be comparable to what you find with those Filipinos on the mainland, United States.

MR. SMITH: Clearly the impact of immigration on the State of Hawaii is many times greater than most other States. We are not looking at a small corner of Hawaii society. We not not looking at a large part of Hawaii. This is not true when one looks at most of the other States within the United States.

Another thing, unless we are all mistaken, the whole question of illegal immigrants is not an important factor, whereas in many of the other states it is.

In many States it is perhaps the most important factor from some people's points of view.

There is now a congressional select committee looking at some of these issues.

MS. MANUAL: You know you said in 1960 there was a possible division of Part Hawaiians, then in 1970 people started to identify themselves separately?

MR. SCHMITT: In 1960 a person with any Hawaiian blood, there is full-blooded Hawaiians and Part Hawaiians and mixtures by way of race of father, unless they were part Caucasian.

In 1970 it was varied. It's impossible to say how people were classified individually because they either classified themselves or they were asked what their father was.

And, in 1980 it will be by the race of the mother. The Hawaiians in 1970, for example, were a mixture of pure Hawaiians, a small number; plus some, but not all Part Hawaiians, in what fraction we had no idea.

MS. MANUEL: Do you have any data because of our agriculture businness are gradually phasing out, and a lot of them will be workers who are Filipinos? Do you have any data on hom many Filipinos are affected by the phasing out of agriculture?

MR. GARDNER: I guess if you go to the individual

industries and ask them, you could look at data on agriculture and see how it's changing. I assume if a certain group is concentrated in agriculture it probably will be affected the most.

MS. MANUEL: It's a problem, right? They took down the Filipino housing, you know, how do you address the needs of these aliens?

UNIDENTIFIED PERSON IN AUDIENCE: I have some data on that that you might like to look at.

MS. MANUEL: Okay.

MS. THOMPSON: Just one other question, on Table 5, Dr. Gardner, can you just briefly explain that? The reason I'm saying that is because I see the Blacks here is in terms of 1,353, in terms of a number that is less than the male and female group here in Hawaii. I wonder how you selected your sample.

MR. GARDNER: This is a sample which relates to the same basis as the Hawaii Health Survey. It weeds various populations. So you are not going to find many Black at all. It was such a small sample of people reporting on the group. The validity of the figures in this first group is much less then in the next row.

So, the first answer is: it might not be very valid, because it's a very small number of people there.

Secondly, if you look at these blacks and they

don't have any occupation they are concentrating in they are probably military and on base. It is hard to say where the few blacks are.

MS. THOMPSON: These statistics are from non-military?

MR. SHITH: Not non-military, from military housing. So, private housing would be okay.

MR. SCHMITT: On base would be okay.

MS. THOMPSON: I was just trying to find out which blacks you were using for this.

MR. SMITH: Everyone except those in the barracks.

MS. THOMPSON: So, they are predominately military.

MR. SMITH: What is attempted is to get a sampling from everywhere and not just to the military.

MS. PUTMAN: I note that your presentation was based on some papers that are in preparation for publication, I was wondering if this committee and if the Regional Office can have copies of those when they are published, I think it could help us out.

Thank you very much.

Mr. Reinhard Mohr is the Executive Director of the ACLU of Hawaii.

MR. MOHR: I have been asked by the sponsors of this converage to address myseld to four questions all dealing with with a civil libertarian's view point of the Immigration and Naturalization Service. And, I'll try as

much as possible to limit myself to that narrow, defined topic. I'm not going to spend much time in talking about the discrimination of Aliens in employment, either private or public employment or in social services or in schools, but I was to find out some of the civil liberties problems in the immigration law and practices of the Immigration and Naturalization Service. And, I'll talk about due process problems with some of the practices of the Immigration and Naturalization Service. I think that protection problems arise and then I will go on to talk about some of the implications, not only for civil liberties, but aliens.

Finally, I'm going to address myself to some of the Carter's admistation's proposals on alièn immigration.

One caveat at that outset, I'm not an immigration lawyer, I have no expertise in immigration law at all.

But, I will. of course, approach, generally, from a civil liberties standpoint in applying some of these principals to the practices of Immigration and Naturalization Service.

I'll start out with the most flagrant abust, and some of my research encommpasses practices of the Immumization and Naturalization Service accross the country.

Hawaii is fortunate in a sense -- Pete and I have gotten in personal contact with immigration office and all the visits have been fairly positive and the personnel have been helpful. I think we are fortunate to have a fairly

new name and enlightened in the district office here.

So, some of my harasher comments will relate to past practices in certain parts of the country, such as the southwest, and historically on some of the practices engaged in by the Immigration and Naturalization Service, most notiabe through the '50 and McCarthy era.

But, in Hawaii, and I am sort of grateful for being asked to speak on the subject. Grateful in the sense that I have learned al lot. And, ungrateful in that it's going to make a lot more work for the American Civilities Uniion and me for have learned this.

What I'm talking about specifically is during my re search I came on the estounding fact that there is in the State of Hawaii no free legal service to speak of for ingident aliens.

Now, this I'm going to discuss in the context of due process and equal protection problems.

I was assisted in doing some of this research by an attorney or a potential attorney named Ivan Houver. She interviewed the Deputy District Director of the Immigration Service and the problem. The Immigration Service has a list of three organizations to which they refer the indigent aliens.

The first one is the legal aid society. In checking with the legal aid society, we found out that there was one attorney approximately two years ago who was assigned

clients with immigration problems. Since that time he was assigned to that there has been no attorney assigned to immigration problems. 74

The explanation for this was client/counsel, which was an advisory body to the Legal Aid Society established the priorities for the Legal Aid Society and that was of very low priority. So, the Legal Aid Society decided to eliminate the intake of these kinds of problems all together.

When Legal Aid gets inquiries from aliens they continue to refer the aliens to the Bar Association or a referral service.

The Immigration Bar in Hawaii consist of approximately seven attorneys. Again, Deputy District Attorney Brown said in his memory he can only remember one time that a member of a private immigration bar handled a pro bono, which for the public they handled the case for free -- for alien clients.

The third and final organization that was listed at the Immigration and Naturalization Service on the referral list was the Immigration Service's center, which apparently was apart of the Kalihi-Palama Settlement. Again, talking to the Director up there, Gary Moore, he said no one on the staff is qualified to advise clients, although they do provide translation services.

That leaves us with a rather sorry situation in the State of Hawaii, because iliens, indigent or not, have two choices, either to represent themselves or to hire a private attorney. 75

Of course the aliens don't the luxury of hiring private attorneys. In my paper I have some facts on some of the prices charged by the Immigration Bar for such services as deportation hearings, applications for visas, and other various functions. They are prices which I suspect most aliens could not afford.

Now, does this necessarily raise a due-process problem?

I maintain that it does. One, the right to counsel is requested by the immigration authorities and has been held to exist by various court decisions.

Now, that mean you have a right to bring a lawyer to the hearing. That doesn't mean that they are going to provide you with a lawyer if you can't afford one.

Now, for indigent aliens, first of all, no free legal services exists if he or she cannot afford a private attorney. There's no legal recourse for the indigent alien. It seems to be a blatant violation in the due process clause.

Secondly, the equal protection element comes in insofar as the indigent is -- the alien is indigent, therefore,

it creates two classes of people. One class are those who can't afford services, the other class are those who can. By placing this onerous burden on indigent aliens to either sink or swim, you have discriminating against them by a violation of equal protection clauses.

MS. PURMAN: May I interrupt you?

MR. GARDNER: Sure.

MS. PUTMAN: Is this situation of providing counsel for the indigent who are in need of one, is this taken care of by any of jurisdiction that you are know of?

MR. GARDNER: Yes. There are free legal services in other jurisdications. In the paper you will notice I citèd recently decided cases. I really don't want to get into a lot of these.

MS. PUTMAN: Yes, Uh-mm.

MR. GARDNER: But, the case comes out of a California district. And, a District Court decided that it would be mandatory on the Immigration and Naturalization Services to advise the indigent clients of the availability of free legal services.

MS. PUTMAN: Is that a State responsibility or a Federal responsibility?

MR. GARDNER: That's a very good question. It's an interesting question. And, it's unsettled question. Here you come into the problem of saying, "Well, it's no one's

responsibility in a sense, and it's everyone's responsibility."

Then comes the question, "How can you force either the State or the Federal government to exercise that duty and responsibility?" And, as far as the State is concerned then you run into that problem in the 14th Amendment due process and equal protection clause. That only comes into play when you have some State involvement or action, and how are you going to show that. In the immigration problems by definition and by case law it has been deemed an aspect of national sovereignty, and the Federal law preempts it.

So, I think you'd have a very good case in suing the Federal Government to provide this kind of free service, because you could get the Federal Government through the Fifth Amendent, the due process law and court cases which have ruled due process and equal protection as well.

MS. PUTMAN: I'm sorry for interrupting.

MR. GARDNER: Okay. So, there is no statute that says the Federal Government or the State should provide free legal services. But, I think it's a dereliction in both their in both their cases, the State and the Federal Government not to do so, especially the State. There is no reason at all.

I can see setting a system of priorities according to the client's needs expressed by the clients. But,

you have the unique situation of aliens. They have no political power, they can't vote. And, especially if you are talking about aliens' legal problems. More chances often than not they are illegally there. So, you are not going to get as much political lobbying from a group that is totally disenfranchised and politically powerless. There really isn't any spokesperson in this community to speak for this group of people.

Now, possible solutions: one suggestion has been to pressure the Immigration and Naturalization Service to establish adjunct wing of the Immigration and Naturalization Service that would be independent similarily to the way you have the public defender's office, now as part of the criminal justice system. It's funded by the State, but it's independent. It's only duty is to its clients, supposely.

And, there is reason at all why the Immigration and Naturalization Service can't provide that kind of legal service.

That's one possibility. Another possibility is the Legal Aid Society picking up the ball again.

There are other suggestions that have come out in literature in the experience of other States and jurisdictions.

New York district just instituted the omnibusman

type of thing.

Now, this is not a new type of legal representation, but is actually going to facilitate new representations, because it acts as a liason between attorneys and the service and serves to expediate. It acts as a referral service for legal services and a variety of social services.

Some jurisdictions have had a limited success with lay advocates. The problem you run into with lay advocates is holding them into a standard of professional responsibilty and interity.

I don't know how prevalent the practice is here in Hawaii. But, on the mainland, especially in areas of large concentrations of aliens you have a large number immigrant counselors who are not competent and are highly unethnical.

There is noteable success with lay counselors in the area of draft counselling and in the area of consulting counselling. And there a paralegals who have proved to be successful.

There is no reason at all why this State can't experience this with social workers or with people who are in charitable religious organizations.

Here, again, this would not be a substitute for adequate legal representation, but as a compliment to the legal representation.

I don't know if I have mentioned setting up an adjunct of the Immigration and Naturalization Service and having them pick up the ball.

An entirely independent organization could be formed. Several years ago, two or three years ago, the Legal Aid Society and some other organization and individuals got together and formed this Hawaii Correctional Legal Services Program which now handles litigation and administratively represents prisoners.

So, Legal Aid doesn't handle civil suits for prisoners anymore. It is all handled by a separate entity called Hawaii Correctional Legal Servicees. And, there is no reason at all why you couldn't establish an independent organization.

I can see the advantage that it would have as its sole focus of immigration problems and the problems of aliens. It wouldn't have be concerned with all priorities in that respect.

Just a few statistics: Deputy District Director Brown, I found out that Hawaii had an estimated 360 deportation hearings a year.

He estimates that about third of those are indigent aliens, that's about 130. This is only deportation hearings it does not include other types of proceedings before the Immigration and Naturalization Service.

So, the number is probably significantly higher of people who go into the proceedings without benefit of counsel. And, I think anyone, any practitioner in the area of immigration law will attest to the phenomenal complexity of the immigration law, the only counterpart, I think, is tax law. It's equally as complicated.

And, if we are starting from the premise -- and the premise is well establised, that the U.S. Constitution applied to aliens as well as citizens. And, with a few minor restrictions to citizens such as the holding of various constitutional offices. But, every other provision in the constitution just talks about the people or it talks about persons or it talks about being accused.

There is no distinction made between citizens and aliens. And, the courts have consistently held, and they are sort of just building the groundwork for an agruement that there's no good constitutionally and there's no good reason in the legal precendent to deny this group of people with adequate legal representation.

The dilemma, of course, comes in insofar as -- for example deportation hearings. They are not classified as a punishment. They are not criminal proceedings. They are civil proceedings.

And, therefore, you don't have 6th Amendment, the right to counsel coming into play and all the procedural

safeguards and the right to an appointed counsel at the government's expense, and all the other phenomenal safeguards that are accorded suspects and defendants in the criminal justice system.

If an alien is accused of a wrongdoing, the penalty for the alien is really harsh. Like, there have been cases where aliens have resided here 20 and 30 years, and for some reason their status comes into question or they get caught smoking marijuana or they turn out to be homosexual or a variety of other prohibited type of behavior as defined by the immigration laws, and they are faced with deportation. And, there are some sad, sad stories involved.

But, I'm using my time up very quickly.

MS. PUTMAN: Just one question for the record, you talked about the Director? Could you spell that out?

MR. GARDNER: Huver, H-u-v-e-r.

MS. PUTMAN: Thank you. Go ahead.

MR. GARDNER: Just in summary, I'm just flabbergasted that there is no legal representation. I'm talking now about indigent aliens. There is, as there is in the general population, a large gap of aliens. Even if you had three represention who make too much or own too much to qualify legal services, but don't have the means to retain a private counsel.

And, if anything comes out of these hearings, this

project on immigration, I sincerely urge that that problem get very high priority. Because the legal needs of the aliens are infinitely more complex than others. There is no doubt that the constitutional protection applies to aliens as well, even though it is not put into practice.

It's a group largely overlooked in terms of legal representation. It's a travesty. It's a travesty of justice in this State that that kind of a situation exists.

But, let me get on with my presentation.

There are all kinds of -- excuse me -- the Immigration Nationality Act is a nightmare for a civil libertarian. And, some of the practices of the Immigration and Naturalization Service are also.

Almost anyway you look, you run into civil liberty kinds of problems.

I wouldn't even know where to start. You have warrantless arrests. You have evidence of illegal arrests introduced. There is some question if the Miranda warning applies to aliens that are detained.

Just the entire area is really with civil liberty problems and violations of the constitution of rights.

Here, again, there is a limit to which you can blame the Immigration and Naturalization Service because -- and the New York Bar Association study concluded rather sadly that some of these civil libertarian's defiances

of some of these practices are as a matter of fact legal.

The services within its legal rights are not only relevant to the Immigration and Nationality Act, but according to court decisions.

But, what we need is a complete reanalysis, a re-evaluation of the immigration laws and practices of the Immigration and Naturalization Service.

Let me just briefly dispose of my reaction of the Carter Administration proposals. Many of them are commendable. Probably the most enlightened of the proposals is to provide additional economic assistance to those countries in which the most illegal aliens are from.

Obviously the most single and most numerous illegal aliens are in New Mexico.

Here in Hawaii, we have heard evidence on Filipino immigrants and southeast Asian immigrants. That is commendable and should be encouraged to get to the source of the problem.

Another proposal of the Carter Administration's package includes sort of upgrading or allowing illegal aliens who have entered the country prior to January 1, 1970, to become permanent resident aliens. That is commendable. The only problem, from my viewpoint is that it doesn't go quite far enough.

A second category is a new class of temporary

aliens or illegal aliens that came into this country prior to January 1, 1977.

I think it's not outlandish to suggest a complete amnesty for illegal aliens who are present in this country, and then concentrate henceforth on the problem of the illegal alien that are still coming in from this point on.

The one proposal that I take the most exception to is the proposal to put the burden of determining the status of aliens on the employers of the aliens. Now, at first this may sound a very good prospect. It's humanitarian. And, you konw, it seemed to be at the source of the problem. But, it is doubtful actually, whether it's going to achieve its objectives.

The major problem is dishonest, and unscrupulous employers who continue to hire illegal aliens.

Employers who are trying to abide by the law will be overcautious. This will lead to additional discrimination against minorities, minority racial and ethnic groups.

An employer could be faced with still civil penalities and ultimately could be faced with criminal penalities.

He is going to be extremely cautious in hiring people who look like foreigners or aliens or Spanish/Americans.

And, it's going to create a large market of forged

documents. The employer will never be quite certain whether it's an illegal alien or not that he is hiring.

And, a lot of employers will not when faced with that risk, and given the choice they will not hire people of that racial or ethnic background when faced with that potential risk.

There are other proposals in the Carter Administration package that are really not objectionable and are not particularly commendable either.

Let me turn now to the State's attempt to limit its population growth and the passage of the residency law.

I want to talk about the impact on the aliens. If you recall, in 1977 the legislative session, the State legislature passed a one year duration of residency requirement.

A similar requirement of a three year duration was struck down by the court in 1972, I think it as.

Dispite advise by the Attorney General's office, and some good legal opinion that the law is greatly unconstitutional it was passed anyway.

The American Civil Liberties Union challenged it in court and the Federal District Court agreed with us that it is unconstitutional infringement on the right to travel.

MS. PUTMAN: Could you cite the citation for that?

MR. GARDNER: For that case?

MS. PUTMAN: Yes.

MR. GARDNER: I don't think it's in the record. It's Narron V. Ariyoshi.

But, more importantly than that infringement on the right to travel, as it affects aliens it would require anyone recently arriving in the State, whether they are newcomers from mainland, or whether they are foreign born aliens, it would require a waiting period of a year for them to be elligible for employment, public employment -- of course that's for private and other kinds of employment.

In the history of this country, the Government has always been a means, an avenue for discrete racial and ethnic minorities to become integrated economically culturally and socially.

And, to ask an alien who arbitrarily -- to wait an entire year before he or she is elligible for public employment is putting a tremendous financial burden on them. And, in essence it's a violation of the Equal Protection Clause of the U.S. Constitution, because then you create two classes of people: people who have been here a year or more and people who have been here a year or less.

The courts have continuously held that you cannot

discriminate against them. Especially in light of the fact that the courts have declared aliens a group in need of special protection. There is a strict judicial standard that is applied to aliens. And, here you usually have two standards: if the State has any reason at all to pass a law, it's a very low level of standard of judicial evaluation.

The more stringent standards are applied against aliens and where you have a constitutional right, say, to travel.

So, secondly, you had the Director of Personnel Services on the stand at the committee hearings when this bill was introduced saying that the duration of residence requirement will have a minimum affect in terms of the population in the State of Hawaii -- into the State of Hawaii.

Now, this session, the 1978 session, the legislature did pass a law which would give a preference to the residences of the State of Hawaii, a hiring preference, which would give them, all other things being equal, it would give them an edge over new arrivals. And, it would give that to residences who have filed State income tax returns.

Now, you cannot come to the State of Hawaii in 1978 and file a 1978 income tax return. You have to wait until 1979.

So, there is a potential of having to wait entire

year before you can file your income tax return before you are elligible for this kind of preference for employment.

Just in defense of our organization. We are not opposed to limiting the growth. As a matter of fact, most of the people in our organization would applaude it. But, you cannot do that at their expense. Once you start compromising in certain constitutional principals you've opened the door and set a very dangerous precendent.

And, I think even the attempt of passing a durational residency law was a bit of political grandstanding.

It was a popular measure. It is impractical, it's unworkable, and top of that it's unconstitutional.

It costs the State a lot of money to fight it. Now, I'm king of getting off the subject.

It's quite obvious, though, how this can affect aliens.

And, as far as employment practices in the State of Hawaii, I think insofar as you can show discrimination against racial and ethnic groups or if you can show discrimination against aliens, certainly aliens seem to be tend contained in those racial and ethnic minorities in the Hawaii context.

When you look at employment, the discrimination is evident. Obviously that affects aliens. I really don't have too much detail, but there are means all along the

employment -- I'm talking strictly about public employment where discrimination against aliens takes place.

There's considerable discretion even though you have the procedure institutionalized, a procedure which is grounded in statute. There is ample discretion all along the way not only within the Department of Personnel Services but within the hiring agency which gets a list of five names and can choose from those five names.

I don't want to bore you with the details of how that takes place.

Now, I have been criticizing a lot. Let me take a positive approach and suggest some solution. There are some areas of my paper that I haven't touched. One of those areas is the Immigration and Naturalization Service in the survellience of aliens political ideals. That has been a sad chapter in the Immigration and Naturalization Service. And, it still continues to this day.

Hawaii is not completely ammune from that practice. The problem starts even before an alien arrives. The ACU a few years ago interceded on behalf of a Canddian who wanted to visit the U.S. and his port of entry was Honolulu. He was on some sort list they had at the airport. He belonged to a number of leftwing organizations in Canada. They refused him to allow to enter and put him under detention.

So, as I said, Hawaii, although relatively more progressive and liberal about a person who wants to -- who has problems of that nature.

There was a recent case where the Immigration and Naturalization Service detained a fashion designer from Japan who openingly admitted that he was a homosexual. But, the way he made under suspicious was an inspector at the airport when through all of his packages and opened all of his personal letters and started reading all the letters that he had gotten from a male friend on the mainland. And, from reading those, he concluded that the man was homosexual, at which point the immigration authority instructed the airlines to present the alien to the Immigration and Naturalization Service's offices on Monday morning.

Now, the visitor arrived on Friday night. The airlines hired this private security agency and kept the man a virtual prisoner for three days and three nights in a hotel room. And, they refused to let him leave the hotel room and moved into the hotel with him. And, they presented him to the Immigration and Naturalization Service on Monday morning.

The Immigration and Naturalization Service wanted to make him undergo a medical examination.

It's beyond me how that would conclusively prove that the man was homosexual are not. But, under the

regualation 212a4, dealing with pychopathetic personalities and sexual deviates, the Public Health Service has the jurisdiction to conduct these kinds of medical examinations and the Immigration and Naturalization Service follows up on the recommendation.

Just -- it's not only a blatant immediate violation of a person's civil rights, it assumes that when one steps on American soil the U.S. Constitution applies to him.

But, a good indication -- I mean -- some of the practices and the immigration law has simply not kept up with the changing society's attitudes and mores.

MS. PUTMAN: Your whole statement will go into the record. Time is passing.

MR. GARDNER: Oh, I'm sorry.

MS. PUTMAN: And, some of the members of the committee would like to ask you some questions.

Do you want to take just two minutes to sum up, and then we'll ask some questions.

MR. GARDNER: Okay.

Some of the recommendations that I was going to make is an immediate end to all Immigration and Naturalization Services searches and arrests conducted without a warrant or probable cause. And, the probable cause is not satisfied simply by the way a person is raised or the person's manner of dress or his speach.

An immediate end to the Immigration and Naturalization Service's practice of inquiring into political beliefs and associations of aliens in granting visas or granting of permanent residence or naturalization.

I have already mentioned a more enlightened policy towards sexual conduct.

There are some horror stories coming out in relationship to marijuana where a person gets caught with three joints and they are going to deport them.

But, most importantly and let me stress this again, before I'm chased out of here, an establishment of a full range of a governmental legal services for aliens, whether those services are funded by the State, or Federal or a combination, should be provided to the aliens.

A further recommendation is to the Immigration Bar. The Immigration Bar in the past has been content with playing footsies with the Immigration and Naturalization Service, not really acting in an adversary role.

I'm not really challenging the constitutional basis of the practices of the Immigration and Naturalization Service.

Perhaps a bit more ethical approach towards the problem of civil liberties is by the Immigration Bar.

But, the bottom line is legal services for alien-

in this State.

I think that would go a long way to insure all the rights that I have mentioned.

MS. MANUEL: What I really wanted to know about is, it would be almost impossible legally to stem the flow immigration to this State because it would be imposing on the right of a person to travel and his right to employment coming to this State? Is that right?

MR. GARDNER: No. No. As a matter of fact, the courts have upheld various schemes which discourage immigration and inmigration, such as professional licensing.

All durational residency requirements -- when I talk about duration, it means living in a place a certain period of time -- that's not unconstitutional. You have them for divorce. You have them for voting. It's -- in certain areas, one of those areas is welfare. They have consistently struck down all waits of long waiting periods for a person to apply for welfare. Because it is a necessity of life.

The same way for employment. Even though there isn't any constitutional right -- you need to have a job in order to live.

It's in that kind of area where the courts have said, you know, once the people are there, you cannot discriminate against them like that. There are other means

to discourage immigration to Hawaii, constitutional means, and they have been held as such by the courts. It shouldn't give the State any problem.

Obviously we have to do something about the population.

MS. MANUEL: How would you say we manage growth? How would you start to manage the growth?

It's really hard, right?

MR. GARDNER: Personally I think it is somewhat of a smokescreen. Given our present population I think it's some rather bad planning. I thinks it is bad planning on the part of this administration and past adminstrations.

You know, you blame the high rates of unemployment on the population. But, there are other reasons. The other reasons have nothing to do with population per se.

Hawaii's housing is so expensive. It has to do with the economic policies that have been established by the State.

I think Filipinos and immigrants from the mainland are being used as scapegoats for the problems that are of other origins or other sources.

MS. PUTMAN: Thank you very much. We really appreciate your presentation, and your entire statement will go into the record.

We are going to recess until 1:00 o'clock promptly,

and our next witness will appear at that time.

(RECESS FOR LUNCH)

MS. PUTMAN: We have had a very busy morning with witnesses included Robert Schmitt, Dr. Gardner, and Dr. Smith, and Reinhard Mohr.

And, we have another full schedule for this afternoon.

We will now hear from Eileen Anderson who is the Director of the State Department of Budget and Finance.

MS. ANDERSON: Thank you. I would like to introduce Peggy, who is from our professional staff who has done much of the work for the adminstration.

I'll preface my remarks for just a moment. I come at this question definitely from a layperson's point of view. I'm not a statistian, and I'm not a specialist on immigration.

I represent the Governor with respect to his concern of the growth of Hawaii and its population.

What I would like to present to you today is essentially a testimony which I gave to the Commission on Growth in the United States Congress, House of Representatives, which expresses the administrations concerns about the growth of Hawaii and in particular how we think the Immigration National Act affected that growth.

As a introduction, and I'm sure you have already

had some of this today already.

I will remind you that we are an Island State here in Hawaii. It's located in the middle of the Pacific Ocean 24 miles to the northeast of the continental United States. It has a land area of 6,425 square miles, distributed over seven major Islands.

Tourism is the state's major export industry, followed by defense expenditures and then agriculture, chiefly in sugar and pineapple.

Hawaii's total resident population, as of mid-1977, numbered approximately 894,000 persons; its de facto population was closer to one million people. Between 1960 and 1975, Hawaii, with its population growth rate of 2.0 percent, was the sixth fastest growing State in the nation.

Relative to the United States as a whole, the State of Hawaii was growing almost twice as fast.

In addition to its extremely rapid rate of population growth, Hawaii's population problems are aggravated by a gross imbalance in the way in whcih the State's population is distributed.

More than 4/5ths of the people live on the Island of Oahu which comprises approximately 10 percent of the State's land area and which serves as the industrial, business, and political center of the State. Because of the larger

number of people who live on Oahu, this Island's de facto population density was 1,286.0 persons per square mile in 1976.

Hawaii's population has reached a low rate of fertility, primarily because of modern methods of birth control, education and changing social and economic attitudes favoring small families. At the same time, migration has come to be the dominant factor in the growth of population, accounting for more than half of the population increase in the current decade as compared with 40 percent during the previous decade. Migration from foreign countries has increased nearly four-fold since the early 60's.

Therefore, if a slower rate of population growth is to be realized in Hawaii, migration must be the primary focus of attention.

Looking at gross inmigration to Hawaii, it is found that approximately 1/4th of Hawaii's inmigrants are immigrants, while the remainder are United States citizens. However, in terms of net inmigration, that is, the excess of in and out migration, it is estimated by the Department of Planning and Economic Development that alien migration accounts for much of the total, representing an estimated 70 percent of net inmigration in the 1970-75 period up from 16 percent in the 1960-65 period.

That immigrants have come to represent an increasingly

larger proportion of net inmigration may be traced in large part to changes made in 1965 in the federal immigration laws. These changes facilitated the immigration of Asians as compared with Europeans, as evidence by the fact that prior to passage of the 1965 amendments, only one of every fourteen immigrants to the United States was Asian, but 1973 the proportion had risen to one in every three.

Because of its mult-ethnic population and central location in the Pacific, Hawaii has always been a popular destination for people emigrating from Asia. Thus, when the 1965 amendments were implemented giving preference to Asians, large numbers of immigrants began selecting Hawaii as their place of intended residence.

This is evidenced by the following statistics: whereas prior to 1965, immigrants to Hawaii averaged 1,800 per year, the current arrival rate is about 7,000 per year, almost a fourfold increase.

And, compared to other states, Hawaii attracts a disproportionately larger number of immigrants. In fiscal year 1975, for example, Hawaii received 8.70 immigrants per thousand population, the highest rate in the nation and 4.8 times the United States average.

It is reasonable to expect immigration to Hawaii to remain at a high level as the large number of immigrants

who came after the liberalized 1965 amendments attain citizenship or establish permanent residence and, in turn, sponsor relatives who may then immigrate under the preference system.

Besides the federal immigration laws, other factors which positively influence migration to Hawaii include:

* The availablity of employment opportunities;
* efficient and frequent air transportation;
* Hawaii's climate and natural beauty;
* Tourism, the State's major industry, and
* Liberal welfare benefits.

It is believed that most of these factors more heavily influence migration from the mainland United States rather than alien migration.

Hawaii's 1970-1977 population growth rate amounts to a doubling of the population every 34 years. Can Hawaii satisfactorily accomodate that many people without a serious deterioration in the quality of life is a question that many persons in Hawaii are asking. A recent survey found that over 80 percent of the people felt that the State's population is growing too fast.

Concern regarding the State's rapid population growth rate stems from several factors. Hawaii's limited physical size is clearly one obvious cause for concern. Hawaii ranks 47th among the States in terms of land area, but it ranks

15th in terms of population density.

Secondly, there is concern that uncontrolled urbanization may adversely and irreversibly affect one of Hawaii's most precious assets, its natural beauty and environment. Their degradation would be an irreparable loss and one that could spell economic disaster for the State.

A growing population also poses concerns related to employment. In recent years, Hawaii's job opportunities have been unable to keep pace with the rapid growth of its resident population, causing high rates of unemployment to persist.

It is felt that unless we can come to grips with our population growth problem, it is likely that unemployment will remain at substantially high levels in the foreseeable future.

Finally, rapid growth brings socio-economic costs, which appear to exceed the benefits.

In his 1977 address to the Hawaii State Legislature, Governor George R. Ariyoshi committed himself and his administration to protecting Hawaii from the problems of excess growth and overpopulation and in the summer of 1977 he established a growth management task force to identify specific actions that the State might take to shape and direct its future growth.

Tackling growth-related problems is part of the

State's continuing commitment to achieve a better tomorrow for its residents. For some time now, Hawaii has played an innovative and precendent-setting role in many of its efforts to look at and deal with the future, as illustrated, for example, by its recent adoption of a State Plan by statute -- a first in the nation.

The task force that Governor Ariyoshi set up to address growth-related problems prepared a report setting forth "A Program for Selective Growth Management." Broadly speaking, the intent of the selective growth management program is to encourage the right kind of growth at the proper place and pace -- the kind of growth that will serve to protect and enhance our natural environment, promote wise allocation of our physical and natural resources, and improve the socio-economic condition of our residents.

The program focuses on three aspects of growth: economic growth, population growth, and population distribution.

At the heart of selective growth management program is a series of 29 legislative actions, comprised of additions and/or amendments to the Hawaii Revised Statutes and Concurrent Resolutions, 39 administrative actions, and three proposed amendments to the federal Immigration and Nationality Act. These actions are designed to:

* Slow down the rate of population growth;

* Discourage the continued concentration of population on the Island of Oahu;
* Encourage the right kind of housing, jobs and economy for neighbor islanders and their offsprings so that neighbor Island residents will be able to remain on their Islands should they choose to do so rather than be forced to move to Oahu for economic reasons;
* Encourage the type of growth necessary to preserve open space, conservation areas and agricultural land for the future;
* Improve job opportunities for Hawaii's residents without stimulating inmigration; and
* Promote stable growth of the economy.

The task force recommended additions and/or amendments to the Hawaii Revised Statutes and the Concurrent Resolutions were submitted by Governor Ariyoshi to the Ninth Session of the Hawaii State Legislature which convened in January 1978. In submitting the package of 29 bills and resolutions to the Legislature, the Governor expressed his desire that legislators use them as a device to begin dialogue on proper courses of action to preserve and protect Hawaii from excessive growth.

The ideas of 10 of the growth-related proposals received a nod of approval from the Legislature in the form

of either a bill or a resolution. Several of these measures are expected to have an impact on inmigration to the State of Hawaii.

One, for example, limits welfare benefits to an extent that we should notice a reduction in the number of persons who come without the intent of becoming contributing members of our community.

Another measure provides some reasonable and, we believe, constitutionally valid preferences for State and county government employment. Other measures related to population growth which received legislative approval include: a resolution calling for the design and development of a workable system for collecting migration data; a resolution requesting a study of the financial impact of population growth on the expansion of major public services and public facilities and of alternative methods for equitably distributing these costs among present and future generations; and a resolution endorsing and encouraging increased efforts to improve the accessibility of reproductive health care.

Currently, the adminstration is reviewing the growth management legislative proposals that did not receive legislative approval for possible modification and resubmission to the Hawaii State Legislature when it convenes next year. At the same time, other actions proposed by the growth management task force are being evaluated and, in

some cases, implemented. Additional research and new investigations are underway.

There are a number of federal actions that we believe would ease Hawaii's growth-related problems. The suggested federal actions and a brief rationale are as follows.

1. Require a more equitable distribution of immigrants among the states by amending the Immigration and Nationality Act.

While nationwide, there is an overall ceiling on the number of immigrants that can be admitted annually to the United States, there is no quota or ceiling by area or state within the country. As a result, immigrants tend to concentrate in a few states, thereby placing additional burdens on the limited financial resources of these locales and, in some cases, causing unemployment to rise when aliens compete with citizens for limited jobs.

We believe that Congress intended immigration to be a national responsibility. For this reason, we believe that consideration should be given to amending the United States Immigration and Nationality Act to provide for a more equitable distribution of immigrants among the 50 states. This amendment might incorporate the procedures presented on pages 53 and 54 of my written testimony before the House Select Committee on Population, United States House of

Representatives on June 7, 1978.

2. Reduce alien dependency on welfare by amending appropriate laws.

Although immigrant admissions to the United States are conditioned on the explicit understanding that immigrants have means of support and will not become public charges, there is an increasing number of immigrants who are receiving public welfare assistance within five years of their entry into the United States, thereby creating a significant financial burden on the federal government and the states involved. At a time when federal, state and local welfare costs are rising dramatically, there does not appear to be any relief in sight under the current law and its interpretation.

Federal actions that could be taken to reduce the problem of alien welfare dependency include:

(a) Amending the federal legislation which established the various welfare programs to include a durational residency requirement of between two to five years, for alien recipients; or alternatively, amending the federal Immigration and Nationality Act to include receipt of public welfare money payments by an immigrant within say five years of his arrival as one of the criteria for determining whether a person is a "public charge" and therefore subject to deportation; and

(b) Amending the Immigration and Naturalization

Act to make the affidavits of support, provided by sponsors of aliens, legally enforceable agreements, binding for a period of five years after admission.

If the federal government is not willing to promote these changes, then we believe it should be willing to assume the total social costs for welfare, housing and unemployment of immigrants who are not able to support themselves.

3. To provide added federal assistance to states with higher proportions of foreign-born population. Many foreign born persons lack sufficient education to function adequately in our technological society. This lack of education often prevents such persons from finding satisfactory employment.

Other areas in which newly-arrive, foreign born individuals experience difficulties include nutrition, housing and health.

For these parts of the country where the proportion of immigrants per one thousand population is greater than the national average, the above cited problems place heavy financial strains on their limited resources. Since the federal government sets the policies that govern which persons can move to the United States, the federal government has a responsibility to assist those areas with large concentrations of foreign born individuals in meeting the special needs thereby thrust upon such communities.

This assistance might take the form of a one time cash grant per immigrant, or alternatively, it might be provided annually, based on the number of foreign born individuals in the state.

4. Include Hawaii and other affected states in the decision-making process on programs and issues relating to the migration of people from the Pacific Basin trust territories.

The United States government has indicated that it will end its trusteeship over the Trust Territory of the Pacific Islands by 1981. While the future political status of the Trust Territory is still undetermined, the Commonwealth of the Northern Marianas has already negotiated its own political settlement and has set a pattern which may be emulated by the other principal geographic areas in the Trust Territory.

If Hawaii's experience with the influx of American Samoans is indicative of what may happen in the near future with the Trust Territory, then it is necessary for the federal and state government to begin planning transitional programs to both minimize the states' burdens and to maximize the capabilities of the newcomers in adjusting to American society.

Finally, there is need for a National Population policy, developed in concert with state and local governments, to lessen the congestion and reduce pressure on the already overburdened resourses of our metropolitan areas, and to lessen

the problems of transportation, environment decay and social service delivery that are not being adequately dealt with for today's population. Such a policy should be consonant with a rural-urban balance of needs and regional potentials.

Some suggested components of such a policy are listed on pages 65 and 66 of my written testimony before the House Select Committee on Population, United States House of Representatives on June 7, 1978.

That concludes the summary and I would be happy to share any thoughts with you that you might have.

MS. THOMPSON: We have had some testimony this morning and I imagine you are familiar with President Carter's proposals relating to aliens and illegal aliens.

There was something in the document related to people being here prior to 1970 and how they qualified to become legal aliens and so on.

The concept was brought up this morning that there is a possibility of maybe a blanket amnesty, rather than going through these other ways of identifying if a person might go back to their particular country and if they are being deported. What is your feeling on that?

MR. GARDNER: I am not all that familiar with the details of President Carter's proposal. I think he was dealing most particularly with illegal aliens, immigrants who of course tend to be Mexicans that come across the

borders.

I don't think we view our problem as that kind of problem. We are dealing with legal aliens. It's not my impression that we are dealing with illegal aliens.

So, the question of whether they should all be granted legal status, is something that we haven't really addressed carefully. Let me ask Peggy --

PEGGY: I think basically our illegal alien problem may come from the Samoans. It is very difficult to handle the people that may be involved. We haven't looked at the issue in detail. We have dealt with the problem in general. I think it is more of a problem in California, Texas and New Mexico.

MS. MANUEL: I have nothing more.

MS. PUTMAN: Reinhard Mohr testified on behalf of the Civil Liberties Union of Hawaii. And, in his testimony he referred to the legislation passed by the '77 session, which in the Federal District Court, the case against Ariyoshi was found to unconstitutional. And, then he characterizes the revised version of that '77 law, which was passed in '77, as an attempt to achieve through the side door what the court disallowed through the front door, and said that the law is presently being challenged in court.

And, he characterizes the essence of this as giving

State residents who have filed in-State income tax returns a preference in hiring in the public employment.

Would you respond to that position?

MS. ANDERSON: The first bill that was passed I think we have to admit was an attempt to be a quick response to what has been a problem. And, it did set forth a one year residency duration requirement.

There were many, many people who advised that we should not trouble with that, because the duration was the problem.

Be that as it may, the legislature did opt to pass it, and they did sign it. And, we did have a court challenge, which we expected, and it was struck down.

I don't think that really surprised anybody. If it did nothing else, it brought the issue firmly out on the table.

It made our Attorney Generals work very hard to justify. And, I think that was worthwhile.

There was public debate about it. But, I think all of those things were worth while.

Having lost that case, however, the next session went to look at what we could do to really accomplish what we are really trying to do.

Without really going into details -- Peggy has those -- the new law requires that you have to be a

resident. Well, let me back up. The Civil Service Law requires that when you certify names for a job opening you send five names.

Okay, the new law says that in sending the five names, you must make sure that if, for example, the five names are non-resident, as that term is subsequently defined, then you must also send five names of residents for that position. So, residents have an equal opportunity to be considered for employment.

The question of who is chosen from that list is still a matter for the appointing authority to decide.

So, all it is, is to give the resident an equal chance at being picked, that is irrespective of the score.

MS. PUTMAN: What do you mean by the score?

MS. ANDERSON: Say, you have ten people on the list. The top five may range from 81 down to 76 and are non-residents. And, the next five are 75 down to 70. Never mind the fact that these people have lower scores than the top five. Their names are sent and they are considered for employment.

Now, in defining what is a resident, there are a number of elements; one of which is that you have filed a State income tax return. That is one that is to be considered. Our Deputy Attorney General is really convinced of that case. They really look at that one. And,

we are ready for a challenge on that. He has said before that he is going to challenge it, but he has not challenged it, but we expect him to do that.

MS. PUTMAN: Another question: part of the State administration program is suggesting three areas of amendment to the federal law. I am not referring to your presentation before the U. S. House Committee. But, are you going to get support from the Hawaii contingent in Congress on these approaches?

MS. ANDERSON: Well, I would have to say that at the time -- our invitation to testify was by a member of that committee and who specifically asked that Hawaii be given an opportunity. They are not just looking at growth but also looking at areas that are experiencing a decline in population. We were on the panel of growth one. We felt very pleased that we were able to get that invitation. I have not made contact with the other members of that congressional delegation.

MS. PUTMAN: Are the other States that have a proportionately high percentage of immigrants coming to those States, are they interested in these same kinds of amendments to the immigration law?

MS. ANDERSON: Let me say that the two that I have been directly in contact with: one was a gentlemen from New York, who is a representative -- I can't remember the

name now. He had concerns about our first comment about a more equitable distribution. And, we understood that.

We aren't really saying that all the people would have to have visas and all that kind of stuff to go from one State to another. There are all kinds of ways they can distribute themselves.

We are not necessarily saying that people have to get permission to go somewhere. There are other ways of doing it.

I did not really have a chance to express that comment, but except in that one, the question of greater federal support.

MS. PUTMAN: I guess I was talking about State administrations.

MS. ANDERSON: The other person I had contact with was from Florida. And, he was very supportive of the comment, and they have been through exactly the kinds of things we are going through.

And, as a matter of fact, he said the Congressmen were appalled -- in quotes -- at our idea of more distribution because in effect it might be unconstitutional.

It is all very relative and sit here and say it may be unconstitutional, but that does not make the problem go away.

Now, with respects to other States, we do have

well -- we haven't had direct contact.

MS. PUTMAN: You know that this consultation is part of a national study, and the other States in which consultations have been held are Texas, California and New York. And, I think they also have this disproportionately high number of immigrants.

MS. ANDERSON: We have not had direct dealings with them.

MS. MANUEL: This may sound dumb, but I just want to know: does the aliens that have been here for five or ten years pay taxes?

MS. ANDERSON: If they are working, yes.

MS. MANUEL: They do?

MS. ANDERSON: Yes.

MS. MANUEL: When this tax comes out, who those aliens be considered as residents or still as non-residents?

MS. ANDERSON: In that case they are non-citizens. And, the question of State or County employment is a difficult question.

You cannot be a State or a County employee unless you are a citizen first. Is that right?

PEGGY: Well --

MS. PUTMAN: Why don't you strike that Eileen?

MS. ANDERSON: Okay.

PEGGY: The preference is given to tax filing

residents. And, it is our understanding from talking to the tax department, even people who don't make income do file a tax form. So, I don't think the time limit of five years would come in there.

There is some time limit in order to be here and to file.

MS. MANUEL: What I really wanted to know was, a resident application versus non-resident application, and an alien has been here for like five to ten years, that would be --

MS. PUTMAN: An alien resident.

MS. MANUEL: How would you classify her application for the job?

PEGGY: As a resident.

MS. ANDERSON: The specific rules and regulations are going to be developed by the Deparment of Personnel Services through a public hearing, and they are going to have to deal with those.

MS. PUTMAN: Do you know when those rules will be?

MS. ANDERSON: They are coming along.

MS. THOMPSON: It is kind of hard to separate this document and also emotions. It seems like, for instance, on page 12 where you talk about an immigrant within, say, five years of his arrival is one of the criteria to determine whether a person is a public charge and what

have you. And, it seems like if we do allow the aliens we are going to end up with the economically elite based on some concerns about public welfare and about whether the person is self supportive and so on.

And, I was wondering if that is really what we have in the State of Hawaii. Might this be some of the ramifications of something like this?

MS. ANDERSON: It's my understanding as it stands is that the intent is that they will not be public charges. That is the national position on this.

I think all we are saying is, "Okay, if that is the national position, then let's make the law work that way."

And, if that is not going to be the national position and if we are willing to take those that do need help, than the national government has to help those States with the impact.

MS. THOMPSON: Does this apply to our immigrants as well?

MS. ANDERSON: Just alien immigrants. See, we tried to do something ourselves with respect to citizen immigrants from the mainland United States.

We had a law which didn't matter whether they had the means to sustain themselves. We had a very generous welfare law. And, we have changed that law. So, if you

are under the age of 55, and you are able to -- if you are able-bodied, you cannot draw State welfare benefits.

So, we are not looking at the federal government to stand up for its policies. We are also looking at outselves and what we have been doing to our laws.

MS. PUTMAN: I have read some studies -- there is a recent eight-part series in the Advertiser on the refugees of Indo-China. And, in the concluding article there is a social worker of DSSH and another private social worker who is quoted as saying that these immigrants are very proud and do not become public welfare charges. They work hard. And, in fact, they prefer to stay away from government agencies because of their concern about the potential -- whether it's a justified concern or not -- of being deported. And, there have been other similar studies indicating that the immigrants as a group are not -- in fact, they are underrepresented in the welfare population.

MS. ANDERSON: I think that is true.

MS. PUTMNA: So, all this concern about welfare as far as immigrants is probably not justifiable?

MS. ANDERS: Let me just say this: the Governor has said on a number of occasions that there is no one thing that is going to help us resolve this problem of population. It's going to take a little thing here and a little

there and a little thing here and a little thing there.

The welfare part is a very smalle part of a very, very large complex problem. It happens to be one of the ones that we can try and do something about ourselves.

MS. PUTMAN: But, those are the people who are really particularly vulnerable it seems to me. And, if it doesn't contribute in a significant way to the problem that is being addressed, why go after the most vulnerable? That is my soft spot.

MS. ANDERSON: We are talking about people that are under the age of 55 and are able-bodied that do not have any dependent children.

And, one of the testimonies that came out in the public hearings in the legislature was from the Legal Aid Society who testified in favor of this bill, because they get telephone calls from the airport from people asking where is the welfare office. These are young, able-bodies citizens coming from the west coast.

MS. PUTMAN: No. I'm talking about a refugee from Indo-China.

MS. ANDERSON: Oh, no, no. I misunderstood you. No. No. The law provides of course that we will take care of those that are unable to take care of themselves, if they are not able-bodies and so forth. We haven't eliminated that.

And, I believe a lot of them are very proud.

MS. THOMPSON: Many of are able-bodied people are out of jobs. And, that is the sort of thing we are dealing with now. If we don't have jobs for these people, then we start knocking around in terms of the State, and making them self-supportive. I wonder where you go. Then we start migrating to someplace else -- I don't mean to be argumentative, but this is the thing I want to delve into.

MS. ANDERSON: We are not just looking at the immigration problem.

We are looking at Hawaii as a place that can sustain a certain number of people under certain living conditions. We have to start looking down the road, 20 years, 30 years. If we continue to grow at the rate we are growing, we will be unable to sustain a population of that level.

The question is: do we deal with it now? It's like the chicken and egg situation.

There are many areas that are contributing to that growth, one of which is immigration.

Or shall we just let it run away with us and deal with it 20 years from now, when our options are very much less than they are now. We do not have the answers.

We are throwing things out to talk about them. If you disagree with us, I appreciate it, and we can talk

about it. I sat through a whole legislative session practically all by myself. That's fine. Let's get the discussion started.

The Governor's position is that we can't wait until the population has already doubled. We should have done something 20 years ago.

MS. MANUEL: So, we are saying the immigration between the States to Hawaii and from Somoa is a greater problem than the immigrants coming from East Cambodian?

MS. ANDERSON: They are all part of it, all part of the problem.

MS. MANUEL: But the big problem is from State to State?

MS. ANDERSON: That problem has been dealt with internally. Even the birth rate is part of the problem.

MS. PUTMAN: Thanks very much. We really appreciate you coming

Our next witness is Bienvenido Junasa.

MR. JUNASA: I really appreciate this opportunity to speak with the commission on the problems of the immigrants here in the State of Hawaii.

I would like to state with a background of why we have this problem.

I think if we have that kind of prospective we can come up with some kind of solution that might be of a

greater impact to us.

The problem really started U.S. immigration laws and when they were amended to include -- or to allow more immigration to the States, specifically those that were denied prior to 1965.

The impact of the 1965 act was tremendous.

First, it had increased the numbers of people from the Pacific Basin Communities or countries to come to the State of Hawaii.

Secondly, there are a number of American nations and refugees because of that act that has come to the State as well.

I would like to mention that since 1965 there are about 50,000 immigrants who were admitted to the State of Hawaii.

There are about 60,000 Somoans added to that. And, there are about 3,000 to 4,000 Chinese refugees in our communities. So, really these new groups of people really made some impact to the State of Hawaii.

I would like to cite some of the problems that come along with these new people.

First, there is the problem of communication. The English language is not the medium of communication in the Asian communities.

Although many of the immigrants are quite more

educated than the previous immigrants in the early 1900s, the communication skill is not one that is readily applicable in many of the job markets in the States, particularly those coming from Vietnam, Japan, Korea. There is much to be done in terms of communication.

Immigrants from the Philippines and from Somoa are not to bad in terms of daily communication. But, even that is not for them to compete with local people in competing for jobs that are fewer as the years go on.

There is the problem of the skills that they have in the foreign countries or in their modern countries. The skilss that these people have are skils that are skills that need to be reoriented to the needs of the American market.

Although there are many professionals in these groups, there is a need for better communication. There is a need for introducing the American culture in terms of performance and behavior in the world.

We have greater problems in housing. Even without the newcomers, Hawaii has a problem in housing. More so with the newcomers where they don't have the means to buy high cost housing or they do not have the credit or relatives for support or for the mortgages.

There are a number of cases where overcrowding is a picture in many of the arriving immigrants. The

immigrants by and large are concentrating in areas where there is an assemblance of the old culture, where there is the representation of the ethnic groups they belong to.

So, the Kalihi-Palama area is one of the most saturated area for immigrants, and in Waianae for the Somoans, and I think Waikiki is also beginning to get saturated with immigrants.

All these people who have been mentioned are suffering from shortage of houses.

I would like to mention about health. The information that we receive from the Department of Health is quite confusing. But, we need to understand that in terms of overall assisting of the immigrants.

When we talk about immigrants in terms of statistics of the Department of Health, they are lumping together all the newcomers.

Actually, the legal immigrants that have been coming to the State of Hawaii were regularly processed in the U.S. Embassy. There are groups, some newcomers, because of information they need not pass through this rigid examination.

So, when they come to the State of Hawaii they are part of the immigrant population.

So, that you can appreciate then there is a tendency of a higher rate of communicable diseases among the newcomers

because there are those that have not been subject to physical examinations that is required for immigrants.

Then we have a high tuberculosis identified in the newcomers. In fact, from the report from the Department of Health, Hawaii has the highest active T.B. cases: 254 cases per 100,000 population in 1972.

In 1973, immigrants represented .9 percent of the States population and 48 percent of the T.B. cases. This is because we are lumping all the newcomers in the State of Hawaii.

Also, according to the State Department of Health, the largest number of instances of immigrants from the Philippines and Korea of leprosy cases. Leprosy rates among the foreign born residents has increased sharply after 1961 due to the large number of Filipinos and Somoan immigrants.

The findings seem to be that those two countries seem to be sending these two types of cases.

Other problems in health include dental problems. There have been found to be many cases of gum diseases, especially with the young people.

There is poor nutrition. That is quite a problem among the immigrant people. There is gout and asthma and other respiratory diseases among these people.

There is also a problem of social adjustment of

these people in our country.

By and large Hawaii is a western society. Although we have a number of ethnic groups represented in our community our social system and behavior are mostly western. -- a western culture.

So, there is a problem of adjustment of these people.

For instance, you do not know the culture of Somoa. Somoa is a culture of sharing, there is a very high response to people in need.

So, that if you see in Somoa some fruit hanging in the street, and somebody is hungry, all you have to do is reach and pick it and eat it.

But, in Hawaii, the possessiveness is of the western style, so Somoans have problems when they help themselves in this type of relationship.

Some Filipinos have problems in terms of their social adjustment.

By and large the Filipinos are conservative in the behavior between the women and men. But, when a man is exposed in Waikiki or if a women is exposed in Waikiki, there is a misunderstanding as to the behavior of the Western man and the Western women. Sometimes it is misinterpreted, but, in fact, it is just their being kind and friendly to the newcomers.

There is a problem in terms of the Japanese and Chinese and their adjustment to our community.

The Japanese immigrants are quite solid in their background and in their culture and they help themselves.

These are some of the problems which we have identified and that we have experienced in the State of Hawaii.

We coordinate and work and relate with other public and private agencies at the State level.

MS. PUTMAN: Maybe you could explain about your office and how it came about.

MR. JUNASA: Yes, I took that for granted. Our office came about in 1970 after the 1969 conference of the Governor on immigration.

That conference identified problems that I have mentioned today.

The concensus of the countries -- the concensus was to create a State agency to facilitate services of varies agencies including public and private so that we become sensitive and responsive to the needs of the immigrants.

So, the legislature and the Governor's office created a private project 1970 to 1975, and this became a permenant agency of the Governor.

Our primary responsibility is to coordinate, plan, facilitate and even at some point advocate for the immigrants

so that the other groups become sensitive to the immigrant's needs, and so that the immigrants become more productive and adjusted members of the Hawaiian community.

In cases where agencies are not providing direct services, our office helps out.

There is no one particular agency, you know. We we try to bring about direct services for these people.

I think I will stop there and respond to some of the questions you may have.

MS. MANUEL: Have any elderly people come to your office that asks for transportation back to their homelands because they feel they are no longer needed here?

MR. JUNASA: No. Our office is not known to give out monies, but ideas.

The elderly do not come there. But, we have directed them to agencies that will provide this kind of assistance.

But, nobody has come, because we cannot give a penny..

MS. MANUEL: I'm talking about indigent aliens.

MR. JUNASA: We have various groups in the Catholic Church. They have provided assistance to the elderly who have been here for a long time and cannot return to the Philippines on their own.

Our agency is very limited in its ability. We

provide priority ratings to who we should provide services to. The priority we give is for those immigrants that have been here for five years or less. So, that, if you have been here for more than five years, the priority of our service is not as high if you have been here less than five years.

The reason being that if you have been interacting with the various agencies in the past four years or five years, the probability is that you become good and adjusted and get to know your way around.

MS. MANUEL: So, you really don't deal with those?

MR. JUNASA: Not exactly. We have our priorities. So, we give those to the agencies that should have the responsibility -- the Department of Social Services and Housing, for instance. They really should address themselves to these problems.

Our agency is really limited to cover those areas.

MS. THOMPSON: Based on the fact that you are concerned with the Carter Administration proposal, based on the fact that you are talking about the problems relating to communications and the housing and social adjustment, do you have any specific recommendations aso to some changes that ought to be brought about in terms of the Carter Administration proposal?

MR. JUNASA: Yes. We are trying to cooperate as

much as we can.

I do not know how to approach it, but the U.S. Immigration and Naturalization Service can begin to expand the horizon in providing adjustment services other than the exiting and entering processes.

I would imagine if we could become more personalized in some of the human aspects our people will have less problems in interacting in the community.

I would also recommend that bill that was introduced three years ago by Patsy Mink should be revised and reintroduced where we should get more help from the federal government in terms of providing money funds to provide this type of adjustment.

At the present time there is no single penny allocated for immigrants in the federal system for adjustment purposes.

We have to compete with the local needs, and your priorities are very low.

So, we have been spending more time digging into the federal government and how the funds can be provided to the State.

Another recommendation is that perhaps there ought to be an equal proportion of all the States for the immigrants and what cities they would like to go to.

Sometimes there is no other information other

than Hawaii. So, the immigrants come to Hawaii.

But, if it is advised that Texas, California and New York have similar or better opportunities than Hawaii, than you might have a fair distribution of the initial impact of the immigrants.

At the present time we don't have that option.

So, I would recommend that the immigration services ought to put on the board the opportunities that exist in all the fifty states.

MS. PUTMAN: That recommendation seems consistent with part of the State's Administration on spreading immigrants evenly across the states -- maybe not Texas or California or New York, which are also somewhat disproportionate, but maybe Iowa or South Dakota.

My question relates to some earlier testimony that was given by the American Civil Liberties Union of Hawaii, the Executive Director Reinhard Mohr. He feels that the most important need for the aliens, particularly for the indigents, is a need for legal services that they seem to not have access to now, either through the Bar or through public agencies and including paralegals.

Do you see that as a very important need for the people that you come into contact with. Do you refer some of them to some legal offices?

MS. JUNASA: Yes. We do not provide legal services

because to us we don't have the means to do that.

And, rather there are other institutions to do that job. We have been referring them to Legal Aid and some of the attorneys in town.

We have been approaching our services in the State in a very pragmatic way.

MS. PUTMAN: When you look for help from the Legal Aid or to individual lawyers, has the response been good?

MR. JUNASA: Not really good. In fact, a lot of the Somoas that come into my office say they didn't get any response, so I tell them to shop in some other areas, or try some other programs.

But, I see a need for some kind of legal assistance. But, we cannot afford to help them. The $50,000 that we do get just is enough to provide the most immediate services.

MS. PUTMAN: The budget for your office is $50,000?

MR. JUNASA: The budget is $50,000 from the State to provide these coordinating functions.

MS. PUTMAN: How many employees do you have?

MR. JUNASA: I have three.

MS. PUTMAN: That is yourself and --

MR. JUNASA: And, two others. We are lucky to be cooperating with the various agencies and we are lucky

to be awarded federal grants for projects that provide direct services for some other planning services.

So, with that $50,000 investment I cannot see providing legal services to immigrants.

MS. THOMPSON: Based on all the very important information that you have given us, are you in favor of restricting immigration and managed growth in Hawaii?

MR. JUNASA: That depends on how you define that. I like to have a planned future.

I am a planner by profession. I like a planned future.

But, the numbers or the kind of future that is planned is subjected to various discussions.

I am with the Governor in terms of a planned future.

I am with him in favor of a fair distribution without violating the constitution rights.

But, I am prepared to suggest legislation to limit the numbers now without discussing the whole gambit of what capibilities this State would have in terms of the maximum number of people and the kind of life style the community would like.

So, in that kind of thing, I can't answer directly.

MS. PUTMAN: Thank you very much.

MR. PILLA: Mr. Junasa, are you familiar with the

Carter Adminstration proposal in the area of immigration?

MR. JUNASA: Yes. I would like to refer to the official adminstration of the Governor and Miss Anderson in terms of their interaction in the Congress.

I would like to suggest that the Commission on Civil Rights ought to give us an objective printout as to what is happening in the amendments of the amendments of the legislation introduced.

Sometimes the amendment is only one sided. But, if you put together all the implications of the amendments to the amendments you might have a better picture.

I am referring to the bill introduced by Percy and Matsunaga.

If you can clarify that for us, than people will have a better perception of how to stand on this issue.

MS. PUTMAN: Thank you very much.

The next scheduled witness is William F. Thompson, III, who is scheduled for 3:00 o'clock.

We will take a short break for ten minutes.

(BREAK)

MS. PUTMAN: The meeting will reconvene and our next invited witness is William Thompson, III, an attorney at law , an active member in the Immigration Bar in Hawaii.

And, we would like to hear from Mr. Thompson, and

what you think are the problems of immigration.

MR. THOMPSON: I think there are lots of problems. But, seriously, my name is William Thompson,III. I am an attorney here in the State of Hawaii.

I belong to an association which is the National Bar Association made up of some 8,000 attorneys throughout the United States.

We have a local chapter, and unfortunately we have had only about seven members.

It doesn't necessarily mean that the attorneys of the State of Hawaii are not interested in the immigration law, it may mean that that field of law is not as busy as let's say divorce or criminal law.

The association of immigration and nationality lawyers was founded back in 1946. It was founded basically by attorneys in New York for the purpose of trying to get together to exchange ideas as to how to improve the rights and benefits of the aliens in the United States and aliens seeking residence in the United States as well as those petitioners who are citizens, permanent aliens, hoping to bring members of their families to the United States.

The types of cases that the attorney handles today in the field of immigration law, is sort of twofold. Number one, there is a proceeding called an exclusion type of a proceeding.

Number two, there is a proceeding that is called deportation.

The difference between these two types of proceedings are as follows:

An exclusion proceeding involves the right or the claim of the alien to be admitted to the United States as a non-immigrant, one who is coming here temporarily.

Number two, the deportation, is a proceeding that is instituted against an alien who is lawfully in the United States, and the government seeks to deport him for an alleged violation of the law.

These two types of proceedings are basically where the attorney comes in to assist him.

If any right of the alien or any right of the United States citizen or a lawful permanent resident is being violated, we don't see it happening here in this district. The basic problem that we may say exists here, and I'm speaking on behalf of the association, it's not my personal view, is unlike the State of California, the State of New York or any one of our other 49 states, excepting probably Alaska. Hawaii has a slight disadvantage as far as the rights of the alien and the rights of the citizen who is seeking to bring his love ones to America. That is we do not have what is called an immigration judge.

That is a person who hears the deportation cases,

who hears these exclusions type proceedings.

For some reason or another either because we are stranded out here in the Pacific or because there is a lack of funds on the part of the government to provide a full-time immigration judge here in Hawaii to immediately hear these cases, the rights of the aliens and the citizens are being denied a speedy hearing.

Our immigration judges arrive here every two months or so. You may say, "Well, you know, don't cases take a long time anyway in our civil courts and in our criminal courts to come before a judge or a hearing officer?"

Yes, they do; but in immigration we feel that if those aliens or those citizens in California and in New York are being afforded early hearings, hearings that can be notified or set up within seven days or less, we think that the alien here in Hawaii and the citizens here in Hawaii is being denied a fundamental right. A right that could affect a early reunification of this family. And, therefore, we would say as an assocation, as a group concerned about the rights of the alien and the rights of the citizen who is associated with the alien, why can't we have a hearing officer here sooner than the two month period we now have?

The other area in which I think all attorneys are concerned with and this is true with any type of bureaucracy that you are dealing with. It's a matter of time again.

And, while our district office, I think, perhaps ajudicates or works on its petitions or its applications faster than perhaps other district offices throughout the United States, we still would say, "We would like everything done like yesterday, because there is the important element of time that affects the rights of the alien and affects the rights of the citizens who are trying to petition these aliens here.

Let me show you an example. Let's say that a husband files a petition for his wife in Tokyo. Let's say while the service, the agency, the immigration service is working on this petition, and for some reason or another we are having what we would consider a long delay, let's say that the citizen's spouse dies. That alien will not probably be allowed to come to the United States unless that petition has been approved and taken along a little further then where you have no approval or no adjudication of the petition the spouse abroad will not come to the United States.

I'm saying therefore that even if the spouse doesn't die, you are, in effect, by this delay affecting the right of the citizen's spouse to be reunited with his spouse as soon as possible.

It's basically a lack of manpower. It means that our government legally should consider increasing the

number of adjudicators throughout the entire service offices.

When the new commissioner of immigration came into office, one of his goals was to try to reduce this great delay of adjudication with petitions and applications.

What he did was better than not doing anything. He simply went to various district offices and pulled out bodies and sent the bodies to our district offices like in L.A. and New York, and tried to facilitate the early approval or denial of these petitions. That's fine. But, when he did that, he also affected a little district office, which has always been, I think, basically as effective as it can be under the manpower shortage.

It affected us here in Hawaii. We take two bodies away here from Hawaii, are you going to delay, naturally, the adjudication. So, our good friends in Los Angeles and San Francisco where the backlog is unbearable, and two years behind. If you can imagine being separated from your love ones two years, that's a hardship which I think is unfounded.

There is absolutely no reason in my mind why in the field of immigration and nationality law a government cannot consider increasing the manpower staff. We need them here in Hawaii.

Again, like I say, the period of time in which we

are adjudicating petitions or applications is better than California, it's better than New York, but it's still slow for those who want to be reunited with their love ones.

MS. PUTMAN: Do you have the kind of workload that would call for one person full-time to carry out those functions?

MR. THOMPSON: I believe so. I believe that if the immigration could have an additional staff member or two, that member could be assigned to do nothing but adjudications. The problem with most district offices today is that the public servant is one minute answering the telephone and one minute talking to a member of the publid, and one minute getting back to the petition or application -- he just can't do it.

I couldn't do my work properly if I had to jump from telephone to client and back to the brief that I'm trying to submit in support of a client's rights. It can't be done. You've got to concentrate.

But, you can't do it sometimes in a small office where you can't specialize. The adjudicator has to be able to address the public and take care of the telephones, and jump up and look for files. He can't and shouldn't have to. It's a problem if you don't have the bodies.

MS. PUTMAN: Are there other significant civil

rights and equal rights issues that you have come across involving the immigration and naturalization law?

MR. THOMPSON: It's something that we felt has been the problem, and that is the lack of representation and lack of counsel.

An ACLU member testified this morning to that effect that this is the most serious problem particularly towards the indigent alien newcomers. Is there any response from the association of immigration lawyer to that effect?

MR. THOMPSON: There is. I think the association has always felt that the indigent perhaps and the indigent love ones who are citizens are being rudely affected by the lack of the proper services. But, what can we do about it?

It may be the problem for the Bar Association to take up. We have the Legal Aid Association. We have had it for years. They were once servicing the indigent.

And, now it's my understanding that they no longer service the indigent.

MS. PUTMAN: Do you think that is primarily a State or Federal responsibility?

MS. THOMPSON: It's the same -- I would have to acquaint it with what Judge King and Judge Wong would do here in Hawaii in the Federal Courts.

Whether it's a federal matter, they will then appoint

counsel to represent. I see absolutely no reason if you do not have the legal facilities available to the indigent in this State why we cannot incorporate under the federal statutes the right of our federal judge to appoint counsel at a minimal fee.

Again, like I say, we haven't got the people -- we haven't got the people to service.

It would be worse if we created a legal aid society within competent attorneys.

We have stepped in at times when called upon. But, you know, there are only 24 hours in a day. And, we just can't do it.

MS. PUTMAN: I understand the law school is going to have a special course in immigration law as part of the curriculum. Do you think that will help?

MR. THOMPSON: Well, God bless our law school. And, God bless those who come out of it. But, immigration is just so highly specialized, you just -- you know -- you just can't go to the obstetrician who just got out of medical school, I don't think. Let him take an internship for two years, and then let him operate.

That is our concern even for those attorneys who have been in practice in the State of Hawaii for five years or more. If you don't know what an immigrant is, and if you don't know what a non-migrant is, low and behold

they will allow to have an alien deported based upon negligence. We don't want that. The Association doesn't want that.

But, the only solution that our Association can see frankly is that we must ask our Federal Courts to use their avenue, their power, their authority to appoint counsel for the immigrant. It may take legislation. But, I think the legislation appears as an evil, which has existed too long, and that is the lack of proper representation.

MS. PUTMAN: For the record, Mr. Thompson, did you bring any prepared testimony?

MR. THOMPSON: No. I didn't. There is one more area of civil rights that we feel that the Association has helped, which is rather serious. And Congress for years has gone back, and there has been bills after bills introduced. You better believe it. And, that is this: the U.S. counsels abroad had extreme power and authority. They are not reviewable by any court in the United States.

In other words, let's assume Mr. O'Shea's office denies a petition, denies a application. I can appeal that decision through certain administrative avenues or through the courts. That right of review is available to the alien and to the citizen when that person is here in the United States.

Now, when the alien is seeking to enter the United

States to be reunited with his loved ones, the U.S. counsel abroad, by it Manila, Tokyo, what have you, could arbitrarily capriciously deny the petition or application for entrance into the United States.

I cannot sue Mr. Vance. I can, but I'm not going to win. I'd get defeated on the theory that the courts have no jurisdiction over the actions of the public servant abroad.

At best, I can ask the visa office to review the counsel's denial and even though the reviewing officer back in Washington D.C. from the visa office of the Department of State can disagree with the counsel's action, he cannot -- he cannot -- overrule the counsel's actions in its finality.

That, I think, is a serious situation in which at least there should be some authority allowing a judicial review or an administrative review with the power to review and to change where appropriate.

I think our basic thought is that in the Association. I think one final word would be this: again, unlike California, unlike New York, and unlike some of the other States with district offices, the district office here in Hawaii does not have what is called a detention facility.

A detention facility is basically -- is exactly what it says. It is an area in which the alien is detained

temporarily while an investigation is being conducted for a heaing that is going to be held.

We are at a disadvantage here in Hawaii. What happens when the alien is going to be detained, that is, if he's not released on bond by Mr. O'Shea, and there is good cause that he cannot release this alien, this alien is then sent to Halawa, Halawa being our institution for those who have been convicted of serious crimes.

We do not think that aliens should be placed in the same surroundings as those who are professional criminals.

The alien at this stage when he is detained is not a criminal. But, because of a lack of a physical detention plan this man or this woman is being thrown in with hardened criminals.

This we think is wrong. Again, how do we correct it? We have no solution to offer. It is a matter of space in the State of Hawaii.

MS. PUTMAN: But, have you and your Association taken a position about the Carter proposal on so-called illegal alien amnesty?

MR. THOMPSON: Our Association believes in the amnesty program. And, needless to say, it is possibly one solution to solving the illegal alien problem. And, we have always felt that the period 1948 has long gone

by. And, the anxiety that must go on in these aliens' minds is unbearable, I'm sure.

We believe that after a certain period of time there is absolutely no reason to not admit a person who has been here.

Academically we would be somewhat concerned -- and this is academically and emotionally we are pleased with a bill that would allow the alien to finally come out of hiding.

We feel that in a way the bill in all amnesty provisions like this would do this. You are saying the illegal alien, who came here illegally, and who has been here "X" years and is welcome to the United States.

On the other hand, the aliens we have been bringing in illegally as non-immigrant are the ones who are not going to be here permanent.

They may be here for seven years going to school and yet they will not be brought within the amnesty provision. As I read it, you must be illegal, you must be unauthorized in the United States before you get this blessing.

So, you may have, like I say, a perfectly legal person attending the University of Hawaii or Chaminade, and perhaps it has taken them a few more years to get through, and they have come here within the period of time that would

qualify them for amnesty. But, because they are legal,we are saying, "Go home. But, all you people who came here illegally and had that great foresight, were welcomed to the United States."

But, academically it sort of throws you in trying to resolve it.

But, generally, the President's bill we believe is adequate.

There has always been the thought when you are talking about the President's bill also, the administration, or past administrations have introduced into congress what is called an employer sanction bill.

One of the problems with the illegal alien has been the problem that some feel that the alien is here illegally and is taking a job away from a citizen or from a lawful permanent resident.

The sanction, the employer's sanction bill which has never passed would have created a civil or criminal sanction upon any employer and that includes General Motors, if that employer knowingly and willfully hired an alien who he knew to be illegal, well, our Association takes the stand that you are going create a problem for those aliens of Latin-American descent or are not blond haired and blue eyed Caucasians. You are immediately going to create a discrimination against the physical characteristics of

certain people, where the employer will hesitantly hire anyone knowing that the sanction might be imposed.

That bill never got through, and we have doubts whether an employee sanction bill would.

There is a definite violation of the civil rights of an alien when he would be discriminated against basically on race or color or appearance.

MS. PUTMAN: And that is directly contrary to the fair employment practice laws.

MR. THOMPSON: Right.

MS. THOMPSON: I'm wondering -- you mentioned about your concerns for federal regulations or responsibilities at the federal level.

We had testimony earlier in terms of the American Civil Liberties Union by Reinhard Mohr, and he mentioned that he was concerned about -- may I just quote -- he says, "A thorough rethinking of the moral, social, political and constitutional foundations of the immigration laws will have to take place." And, he mentions an immediate end to all INS interrogations and so on, and an immediate end to inquiry against the political beliefs and associations of aliens, more enlightened policies in relation to sexual conduct of the aliens. And, he goes on to mention four or five or six others.

Do you see the federal government getting into

that and maybe regulating or making some of the laws and restrictions more in keeping with what is happening?

MR. THOMPSON: They could. It is a federal problem, and it would have to take place at that level. Congress would have to reexamine the immigration and nationality act and perhaps bring in more conformity with the mores of the time.

We believe that the act is archiac in terms of -- as far as the interrogation problem I don't see how you are going to have an enforceable immigration act. We have to work both sides. We have to have a fair act.

If you do away with interrogation, you are going to do away with the determination of what is legal and what is illegal.

There has to be a certain amount of interrogation. If that association felt that -- that the method of interrogation should be improved, there is a case that has already gone to what we call a consent judgment back in New York where concern procedures were outlined for the conduct of the service officer when he's conducting an interrogation. Fine. We believe that is proper.

We don't think that an interrogator should go into certain questions. We haven't found that to be the problem here in Hawaii. Perhaps in New York a public servant might do what is called a consent judgment.

But, the act could do with some rehabilitation in certain areas. But, basically as far as political affiliation, that is a touchy subject. But, right now we will prohibit one who has had any communistic bonds coming into the United States. If that person cannot show within the past five years he or she actively opposed that, to do away with that might cause a problem.

One of the inconsistencies when we are talking about the issue of communism is this: the act itself is rather strange, because while it says one who is coming here to live permanently as an immigrant, he must actively show that he has opposed communism for the past five years.

Our law allows communists to come in temporarily. In other words -- who's the track man that runs a hundred yard dash or a ballet dances or whoever, I suppose the culture would have to allow both people to come in.

The inconsistency as you can see is how can you allow someone to come in who is a communist on a temporary basis knowing that that person could suddenly not depart the United States, and if you are fearful of the fact that the person might teach his principals, his political principals, he can do it just as well on a temporary visa as he can on a permanent visa.

That inconsistency is hard to swallow. We believe where you will prevent one from coming in who is married to

a citizen who was a communist, perhaps, back when she was 18 years old, and now she's 25 years old and we have to show that within the past five years that she has stood up on the soap box and said, "I hate communists".

You can't always show within the past five years that anyone has done anything other than perhaps not subscribe to a political magazine propounding that type of a theory.

There are those areas that we wish Congress would review.

MS. THOMPSON: Do we have any laws on Nazism or anything of that sort toward the left?

Do you clearly identify communism as the five years of whatever -- of unAmericanism?

MR. THOMPSON: Well, as anything that is contrary to the -- you know -- I'm saying this as an example.

MS. THOMPSON: Well, I just wanted to clarify whether it was just an example.

MR. THOMPSON: It was just an example.

MS. THOMPSON: Okay.

MS. PUTMAN: I have some concern of any law that might discriminate on the basis of a gender classification. Do you find any problems with the INS law in that area of sex discrimination?

MR. THOMPSON: No. I do not.

MS. PUTMAN: It seemed that I heard something about a provision that if a woman was temporarily in the country, an alien, and give birth to a baby, it become the place of birth for the child and is a possible American citizen. And, then she can become a citizen through the child. But, that is not the case of the father of the children.

Are you familiar with that kind of discrimination?

MR. THOMPSON: No. I think you may be getting into something else.

MS. PUTMAN: Clarify it for me.

MR. THOMPSON: Here it is a basic problem. But, that is not going to happen in Hawaii, because we have a what's called a Uniform Parentage Act. I think that is what you're getting into, but if not, I'm sorry.

The Immigration Act says that a mother of an illegitimate child may receive certain benefits from that child.

In other words, when that child reaches the age of 21 he would be in the position to petition his or her mother to come here as a permanent resident. The discrimination would come now when -- if it is discrimination. The child cannot petition for the alleged father.

MS. PUTMAN: That is a State law, though?

MR. THOMPSON: Pardon me?

MS. PUTMAN: That is a State law?

MR. THOMPSON: Right. The service will follow.

MS. PUTMAN: It will follow the State law?

MR. THOMPSON: It will follow the State law. In other words, our State law basically says now that if certain conditions exist then the father may claim the child, his or her legitimate child.

We recently had a case where we were successful in convincing the service, one, that we do have the Act; and number two, we have the facts supporting the petition and happily the service did grant the petition and the father of this illegitimate child will be reunited for another two months.

MS. PUTMAN: You don't know --

MR. THOMPSON: I don't know of any --

MS. PUTMAN: -- of any other classifications?

MR. THOMPSON: No. Not really.

MS. MANUEL: I have to phrase my question --

MR. THOMPSON: Sure.

MS. MANUEL: The legal problem with the indigent aliens and the eviction problems and the evictions here in Chinatown and the people have to move out. How do you help those people nationally?

MR. THOMPSON: If the tenant -- if you're talking about the person who --

MS. MANUEL: Say the whole Chinatown thing.

MR. THOMPSON: Uh-hmm. Are they aliens?

MS. MANUEL: Most are aliens.

MS. THOMPSON: Well, it becomes what we call a civil problem.

In other words, the attorney who handles those types of cases we don't usually qualify them as immigration attorneys.

It becomes a matter of a civil nature, and it may not make too much difference whether the tenant is being evicted is an alien or is not an alien as far as the immigration law is concerned.

Does that answer your question?

In other words, I don't think there's any discrimination per se as far as we know between an alien tenant or a citizen tenant. The clients that we have represented have never expressed or have we heard anything whereby the mere fact he's an alien, we do not wish to open our doors. That we haven't seen.

MS. PUTMAN: Thank you very much. We appreciate you coming.

We have one more scheduled witness, and that's Gary Omori. He is not here yet.

I'd like to make one announcement for those in the audience. A number of people have asked input

from those who are not specially invited witnesses.

This kind of a proceeding does not permit the general citizen to make comments or asks questions. However, if you would like to present your questions and concerns in writing, it will be included in the record. You can send it either to me, and I'll make sure it gets to the district office or you can send it directly to the district office.

We will have another recess now while we wait for Mr. Omori.

(RECESS)

MS. PUTMAN: The consultation will reconvene. Our next and last, but not least, expert witness is Gary Omori, the Direct of the Kalihi-Palama Immigrant Service Center.

Gary, can you tell us about the Center in its relationship to the State Immigration Service Center and what kinds of problems you see particularly of those in the civil rights nature as far as your services that are provided to the immigrants.

MR. OMORI: The Kalihi-Palama Immigrant Service was founded in 1973 by the State Immigrant Service Center as a Model Cities Program. The major thrust of this program was to service the geographic area of Kalihi-Palama due to a high percentage of immigrants residing in this area.

At present the geographic boundaries extend from Kalihi-Palama through Hawaii Kai.

Presently, the administering agency is the Commission on Manpower and Full Employment, State Immigrant Services Center which is under the office of the Governor. This office in turn subcontracts the Palama Interchurch Council which operates the Kalihi-Palama Immigrant Service Center.

For the fiscal year '77 to '78, the Kalihi-Palama Immigrant Service Center received $90,000 from the State and and $26,000 worth of positions from the CETA program through the City and County Offices of Human Resources.

The Kalihi-Palama Immigrant Service Center had a total of eight community worker -- two Korean, one Filipino, two Vietnamese, one Laotian, one Chinese and one Samoan.

Of thse community workers three are CETA, one VISTA volunteer, one clerk/receptionist, and one contract accountant and a program Director.

Quantitatively, the KPISC measures its work output in five basic ways: total individuals served, total client contacts, new clients, services performed and closed cases.

Each client is assigned a separate number to avoid duplicate counting, and every transaction is documented by the community worker as either new or follow-up. Upon first contact the community worker evaluates the client's

needs and his relative state of adjustment to the en- 156
vironment and specifies each separate treatable orientation problem with which he needs help.

Next, a plan of intervention is devised whereby the community worker, the client and perhaps some outside resource people attempt to resolve each problem, beginning with the most crucial.

Resolution may entail one simple interpretation over the telephone, or it may require several interpretations all over the city, several referrals, counseling, a job hunt, a house hunt, exhaustive informatin giving and filling of many forms. If the Center cannot resolve a problem the client is forwarded to another agency which can, but while the case is active with the KPISC the community worker keeps detailed accounts of each individual client's progress.

When all treatable problems have been confronted and satisfactorily resolved, the case is closed under the category "service complete."

Restated, "service complete" means that in the professional opinion of the community worker, the direct services performed in response to the client's expressed and implied orientation needs directly resulted in satisfactory resolution of the problem or problems.

The community worker's client records constiture a continuous measurement of the relative degree of the

client's adjustment and the progress made to resolve his specific problems.

Other case termination categories "moved", "unable to contact", "referred to another agency" and "died" are self explanatory.

Before going into pertinent data regarding KPISC activities in 1977 through 1978, I should first explain how we categorize the services we perform in terms of client needs.

Basically, we classify our services as either Primary Orientation servies of Secondary Orientation services.

Primary Orientation servies are those which are of first necessity to the newcomer, things that can be handed to another person to start him off on the right foot. These include information giving, interpretation, filling of form, and employment, housing, job training, and financial referrals.

Past experience has shown that the typical newcomer is usually able to make a satisfactory adjustment to the new environment within two to three years, and while he is in transition he is most likely to require primary orientation services.

The longer he resides here the less dependent upon primary services he becomes and the more he can turn to secondary orientation services for improvement of his personal

situation.

Secondary orientation services are intangible the referrals and personal transactions which require the participation of the client and his willingness to help himself.

These are things which cannot be handed to another, such as health, education and counseling. Newly arrived immigrants usually do not have the time to explore these areas right away because they are still involved with the primary survival battle.

However, once they achieve a reasonably solid footing in the community, then they may look into secondary areas of improvement, and the KPISC is equipped to help them.

With this brief background on how we view our organization and our services, it is now appropriate to share with you some of the important statistics generated out of the last program year.

First let's look at the new clients we enrolled during 1977-1978, from the point of view of ethnicity and also from the point of view of how long they have been in the United States.

Bear in mind that an "immigrant" is a permanent resident who has been here less than five years, whereas an "alien" is a permanent resident who has been here more

than five years. A Samoan is an American National, and I think everyone by now knows what a refugee is.

Altogether the Kalihi-Palama Immigrant Service Center took in 1,673 new clients in 1977 to 1978, the largest ethnic group being Koreans, 36.5 percent, followed by Indo-Chinese refugees, 26.8 percent, most of whom were Laotians. 91.6 percent of the new clients had arrived in the United States since 1972, meeting the criterion of "immigrant". 88 percent of these were very new arrivals seeking assistance during their period of greatest dependency on public and private resources.

Only 8.4 percent of our new clients arrived prior to 1972, and of these 61.7 percent were Filipino aliens or Samoans, most of whom live in semi-isolation and continue to experience some cultural disorientation.

On the whole these figures indicate that the KPISC is addressing the correct target group and reaches a significant portion of all Hawaii's new arrivals from Asia and the Pacific.

Typically, a KPISC client will stay with us for several months, sometimes over a year, while he is adjusting himself to the new evironment and learning enough about America and Honolulu to get along on his own. The following figures represent the actual number of separate individuals who were active clients with KPISC in 1977-

1978.

Subtracting the 1,673 new clients signed up last year, we can see that 1,109 were carry-overs from 1976-1977.

Again, as with the new client figures, Koreans were the largest ethnic group seeking service, followed closely by the Indo-Chinese refugees, reflecting an observable increase in immigration trends to Hawaii over the past few years.

Our next statistical category is total client contacts, from which can be generalized the degree of difficulty the various ethnic groups have adjusting to Hawaii and their dependencies on outside assistance in terms of average number of contacts per individual.

If you look at this (referring to the slides) it is obvious that the Chinese and Indo-Chinese clients have the more serious or complex difficulties because they returned for assistance considerably more that the other ethnic groups. If you look at that you see 4.6 is the average for the Chinese clients. And, the Indo-Chinese client is also 4.6.

This observation will be further borne out by a brief analysis of the services performed by KPISC in 1977-1978. Now I have to go back to the table for this.

The KPISC performed 27,440 separate services

for its clients in 1977 to 1978, an increase of 3,158 161 over 1976-1977.

Of these, 27,440, 52 percent, were primary orientation services; 39 percent were secondary orientation services and 9 percent were follow-up.

The largest service categories, in order, were: interpretation, information giving, filling of forms, counseling, casework interviews, collaboration with other agencies, employment referrals and health referrals.

The typical KPISC client received an average of 10 separate services as the result of his average 3.5 contacts with the agency.

Here are some brief observations on the needs and problems of the five ethnic groups served by the Center, generalized from the service data.

A more detailed analysis will be forthcoming with our Annual Report, which will be available to the public.

I will take each ethnic group in alphabetical order, starting with the Chinese.

Chinese clients, while constituting only 14 percent of the KPISC clientele, requested 22 percent of all the interpretation services, indicating that they have substantial difficulties communicating in Hawaii and need someone to talk for them at doctor's offices, government offices, and so on.

The Chinese community worker performed 42 percent of all the KPISC collaborative services last year because of this tendency for newly arrived Chinese people or elder residents who do not have the opportunity to learn English.

Despite this problem, however, only 14 individuals were referred to English classes or adult evening schools.

One explanation for this apparent dilemma is that many Chinese adults work long hours and have little time to attend classes.

Their children, on the other hand, tend to do well at school.

Employment does not appear to be a major problem, at least not in our statistics, because the community worker saw the need to offer only 30 referrals last year.

Most newly arrived Chinese people find employment quickly and they are usually in restaurants.

Whether or not this employment is suitable by contemporary community standards is a subject that might be researched separately.

In summary, the service pattern for the Chinese clients in 1977 to 1978 indicates that they tend to isolate themselves from the rest of the community while working long hard hours, and their most severe social adjustment problems center around their inability to

effectively in English.

The Filipino clients requested a broad range of services last year with emphasis on information, counseling, casework interviews and collaborative services. They also received 27 percent of the employment referrals, 74 placements, and 51 percent of the job training referrals, strongly indicating that their adjustment needs and problems are on the primary level and financially oriented, even though 35.2 percent of the new clients arrived in the United States prior to 1975 and, statistically, should have passed their primary dependency period.

This is partially explained by the fact that many Filipino aliens on Oahu remain socially isolated and continue to need assistance from time to time even after many years of residence.

The Filipino clients also required the fewest number of immigration office referrals, indicating that their problems are possibly more social in nature than the technical kinds of problems dealing with the legality of residing in the United States such as are experienced quite heavily by the Indo-Chinese and Samoan clients.

Indo-Chinese clients, 745 individuals served in 1977-1978, were all recent arrivals and well within their expected period of dependency upon outside assistance with primary needs.

Therefore, it is not surprising that they received 38 percent of all the KPISC primary orientation services last year. 164

Of all the ethnic groups served by the Center, they led in interpretations, filling of forms, counseling, transportation, legal referrals, and casework interviews.

They received few welfare and employment referrals because there have been specific agencies in operation taking care of those needs for over two years.

However, most of the refugees are to some extent dependent upon social assistance for financial and medical matters and tend to make best use of the KPISC for the interpretations and counseling, and with weeing them through all aspects of the complicated immigration and naturalization requirements for permanent residency and naturalization.

Korean clients were also recent arrivals, 77 percent arrived since 1975, and in their period of dependency as KPISC clients, they received the largest share of the information services, the most employment referrals, 509 and 97 placements, the most financial referrals, 75 percent, the most health referrals, the most housing and education referrals, and the second most counseling, casework interview, transportation and job training referrals, all strongly indicating that their adjustment problems are

many, varied, complex and of a serious nature.

Unlike other ethnic groups, whose problems seem to be centered in a few specific areas, the typical Korean immigrant seems to be least prepared for the American experience in most aspects of life and needs the broadest range of services to start him off on the right foot.

Koreans are the Center's fastest growing client group.

Samoans are American Nationals with the exception of American Somoans and can come and go as they please.

Technically, they are not immigrants, but because many experience the same kinds of adjustment difficulties as Asian and other Pacific peoples, they are included in the KPISC target group.

On the whole they request the smallest range of services of all the groups served by the Center. In 1977-1978 they received the fewest housing, health and education referrals and the second fewest employment referrals, indicating that their problems may not be primary in nature.

However, they received the largest number of immigration office referrals, mostly dealing with specific problems such as filling out "Affidavits of Support" to bring their spouses or relatives to Hawaii or interpretations

at the immigration office, usually in connection in with the same activity.

Socially, the Samoan clients appear to be adequately oriented, at lesat to the extent that they understand American culture and institutions; however, because of the differences in life styles and family systems in Hawaii and Samoa, many Samoans find it hard to make a satisfactory adjustment to local life and instead tend to isolate themselves from the rest of the community.

Therefore, it is anticipated that there will be a continuing need for Samoan community services at the KPISC in future years, with increased emphasis on counseling.

Aside from the various categories of services the Kalihi-Palama Immigrant Services Center has been actively engaged in we have had a few orientation tours. That depends upon what kinds of funds we have available. These tours go around the Island or they might just go to the points of interest around the Island.

With this brief summary, I believe information on the closed cases would be profitable. Like other service delivery agencies, the KPISC measures its effectiveness primarily by the number and percentage of cases it was able to successfully close over a period of time.

The process of termination, is approached very

soberly and each case is studied thoroughly before a final disposition is made.

As previously mentioned, the community workers are well versed in being able to respond to stated and implied needs and apply appropriate strategies for resolution. Our data reporting system requires complete recording of all problems and services rendered on a daily basis.

Only when all problems have been addressed and resolved, is the case considered for termination.

The table is self explanatory. As you can see a total of 901 cases were closed of which 86 percent was due to services complete, 3 percent were unable to contact, 9 percent moved out of the area, and 2 percen referred to other agencies for services and 1/10 percent died.

Of the problems presented in the major primary areas for services we found 1,622 separate problems presented in the closed cases, 85 percent of the problems were resolved with 11 percent moved out of the area, 3 percent unable to contact, 2 percent referred and assigned to other agencies.

I must apologize for not having the table available which illustrates a significant increase in 1975, 790-901, the number of cases closed and an increased percentage in the services complete category 77-86 percent.

It is highly probably that the community workers of

this center have been very successful in delivering services to the recipient population especially in the areas of major primary needs.

This success rate can be readily attributed to the cooperation of other public and private agencies and the support of the Kalihi-Palama Interagency Council for Immigrant Services for encouraging a unified effort in getting servies to the immigrants.

This concludes one portion of my presentation on agency functions and I would now like to move on to some issues relating to common concerns.

Before I venture into this area, perhaps, I should first clarify the method which I will be using in defining the issues that affect the members of this community.

To me the most important issues that we would like to ask you to explore are those which directly, in the opinion of our service agencies, et al., affect the immigrants.

Of major concern is the issues which hinders accessibly of available services to immigrants. One of the major fears among the immigrants with the exception of American Nationals and refgees is the fear of deportation.

The Immigration and Naturalization Act, Section 241, subparagraph a states that a person can be deported "hereafter, an alien can be deported with five years after

entry, an alien who becomes institionalized at public expense because of mental disease, defect or deficiency, unless the alien can show that such disease defect, or deficiency did not exist prior to his admission to the United States."

In the application to file petition for naturalization question 10, they ask, "Have you ever been a patient in an institution or been treated anywhere else for a mental or nervous illness or disorder?"

This question, we feel is unnecessary and any alien with a mental disorder can answer "no" to this without having too much to fear because if a psychiatrist has been seeing him, the psychiatrist must respect the confidentiality of the information he is collecting from the alien during the treatment process.

The psychiatrist could not be at liberty of divulging any information without the consent of his client. This act discourages an alien from seeking assistance from mental health agencies and other services he is entitled to during a very critical point in time which is during the resettlement phase; the alien undergoes the most stressful situations.

This Immigration and Naturalization Act coupled with the aliens' feeling of embarassment about his language abilities is perhaps one of the greatest obstacles in

making the process of resettlement a less stressful one. 170

We understand that the U.S. Embassy in the Philippines are requiring sponsors to get a letter from Hawaii State Department of Social Services and Housing in order to assure that the sponsor is not on DSSH or receiving any form of public assistance.

We question this requirement for this particular ethnic group and ask that the U.S. Commission on Civil Rights look into this matter.

The third issue we are concerned with is H.R. 7200 and its amendments. The general consensus among the center's workers on H.R 7200 seems favorable in that it supports amending social security provisions to restrict eligibility by ascribing to an alien applicant for such benefits the income and resources of the person who has sponsored, submitted an affidavit of support or similar document.

MS. PUTMAN: This H.R. 7200, has it been drafted?

MR. OMORI: It is passed. But, we did not get any information on this bill as far as the status and we would like to find out more about it.

MS. PUTMAN: It's H.R. 7200?

MR. OMORI: Right. And, it states that "any individual who receives cash benefits under the S.S.I. program established by Title XVI, under programs established

by titles I, X, XIV, XVI, or Part A of Title IV or under any other State or Federal public assistance based on need shall for the purposes of the Immigration and Nationality Act, be considered to be a "public charge" without regard to whether such alien is liable to repay such benefits or whether any demand is made for repayment."

The last thing I wanted to bring up was that I just wanted to ask the people on the commission to keep in contact with us.

So far, how I feel, I come out over here, and I make this presentation, then you folks go back to wherever you folks are from.

MS. PUTMAN: Let me clarify something, Gary. Louise Manuel and Donna Thompson and I are members of the Hawaii Advisory Committee to the U.S. Civil Rights Commission.

Each State has an advisory committee.

We are holding this consultation in Hawaii today to find out whaq are the particular civil rights concerns of INS, and the law and its administration.

This report we will submit through the regional office, which is in California, which Tom and Laurie are part of.

And, that report will go to the commission which is doing a national study, but is interested in the particular problems that concerns Hawaii.

So, they will take into account all your recommendations and suggestions and comments.

MR. OMORI: Okay. I was wondering what happened after these things. Thank you..

MS. PUTMAN: I would go further to say, Gary, that the United States Commission on Civil Rights is an advisory commission to the Congress and to the President.

They serve more or less as the conscience of the nation in civil rights matters.

We would hope that this would have an affect.

Are there any questions?

MS. MANUEL: Why is it a concern -- you know -- in the United States knowing that the growth of the immigration is trying to manage growth here in Hawaii? Why would you call that a problem?

MR. OMORI: Would I call the management of growth in Hawaii a problem?

MS. MANUEL: No. You said the U.S. Embassy in order to sponsor someone from the Philippines, it needs to have a recommendation from welfare -- if they have been on welfare.

Is that what you are saying?

MS. OMORI: Yes. I guess what I'm questioning basically is: why isn't it directed towards one particular ethnic immigrant. Now, as far as the issue on population

growth and what the U.S. government has to do with that in making the 1965 amendment to allow these people to reunite as a first preference.

And, I don't see any real problem for the Filipinos as a group.

We are finding according to DSSH reports that only 8 percent of the total welfare cases are foreign born.

That includes, I think, people who have resided here for more than five years.

I'm talking about plantation people who have actually contributed into making Hawaii what it is today.

I think 8 percent is a small amount.

MS. MANUEL: Do you refer these people to agencies or do you refer them to private jobs like the hotels and restaurants?

MR. OMORI: We do both. We refer them to the State Department of Labor, and they try to place them.

MS. MANUEL: All those Chinese people that come in who are working in restaurants, are there sponsor restaurant owners?

MR. OMORI: Sometimes. In fact many times they go right into that area.

MS. THOMPSON: You had a very interesting presentation and I would just like to thank you for that.

First of all, in comparison with the State immigration

services and in your statistics, have you compared them with the State?

MR. OMORI: The State Immigration Service is primarily responsible for planning and coordinating direct services that feed into the State.

MS. THOMPSON: You talked about some of the negative things that are happening in the society, but we haven't mentioned crime at all.

I was wondering if there were some statistics on that?

MR. OMORI: We find that there is a very small percentage of crime, because the coordination between the language ability and the percentage of them getting into trouble -- if a person has lived here longer and understands English, he seems to have a more acceptability of getting into crime activities.

MS. THOMPSON: It's more he knows?

MS. OMORI: The less he knows, the more he buckles down and doesn't get into trouble.

The longer they stay here the more susceptible and they understand how the system works, and they find out what they can get away with.

MS. PUTMAN: The children in the client families do you think they are getting appropriate bilingual cultural education in the public schools?

MR. OMORI: I don't think so. I think it's a real problem.

MS. PUTMAN: Can you expand on that?

MR. OMORI: There are two things: one is that the schools do not respond, they have other priorities.

And, the other problem has to do with the disintegration of the family as a unit. We see this happening.

It seems that the more education the child gets and the parents go out and work, they have a more difficult time relating to the children. You know, you have that kind of a problem occurring.

It's very sad. I know that we need just as much education as other disadvantaged groups.

MS. THOMPSON: One other question: you mentioned something about there was a period of reliance on community service.

MR. OMORI: The first two or three years, that is when they really need the services. That's when they are in the process of resettling.

MS. MANUEL: You mentioned about the health problems, tuberculosis, and various other diseases -- do you come across that in the new immigrants coming in?

MS. OMORI: No. There was this article in the paper about communicable diseases. It made reference to the fact that there wasn't the problem anymore -- I don't

know. I maybe wrong. This is what the demographer said at that time..

MS. PUTMAN: Thank you very much, Gary, we really appreciate you coming. I give you my assurance that this will be considered by the commission.

MR. OMORI: I wanted to make just one suggestion if I may.

MS. PUTMAN: Yes.

MR. OMORI: We have this service now for the immigrants, and I was wondering if you could refer these things directly to them.

MS. PUTMAN: Yes. And, we do plan to get some input in writing on that.

I think this concludes our consultation. The policies and practices of the Immigration and Naturalization Service, the problems facing immigrants, the civil rights affects of the Carter Administration, and the State's concern about the immigration policies have been the focus of these proceedings.

The advisory committee has heard from individuals active in immigration issues. We have collected this information as part of our responsibility to investigate the civil rights concerns.

We will submit a transcrip of these proceedings to the U.S. Commission on Civil Rights for their consideration.

The Advisory Committee would like to thank all who have participated in this endeavor, and I especially want to thank the staff from the regional office in Los Angeles.

And, now I call this meeting adjourned.

(The hearing concluded at 4:40 p.m.)

I, LYNN PREISENDORFER, do hereby certify that the foregoing is a true and correct transcript of the proceedings had as taken down by me in machine shorthand and then transcribed under my supervision.

Lynn Preisendorfer

LYNN PREISENDORFER

POWERS & ASSOCIATES
Registered Professional Reporters
340 Alexander Young Building
Honolulu, Hawaii 96813
(808) 521-7815