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TRANSCRIPT OF PROCEEDINGS

LEGAL SERVICES CORPORATION

In the Matter of:

SPECIAL ADVISOR ON HIGHLAND LAO REFUGEE
AFFAIRS TO AMBASSADOR H. EUGENE DOUGLAS

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PRESENTATION BY DR. JANE HAMILTON-MERRITT

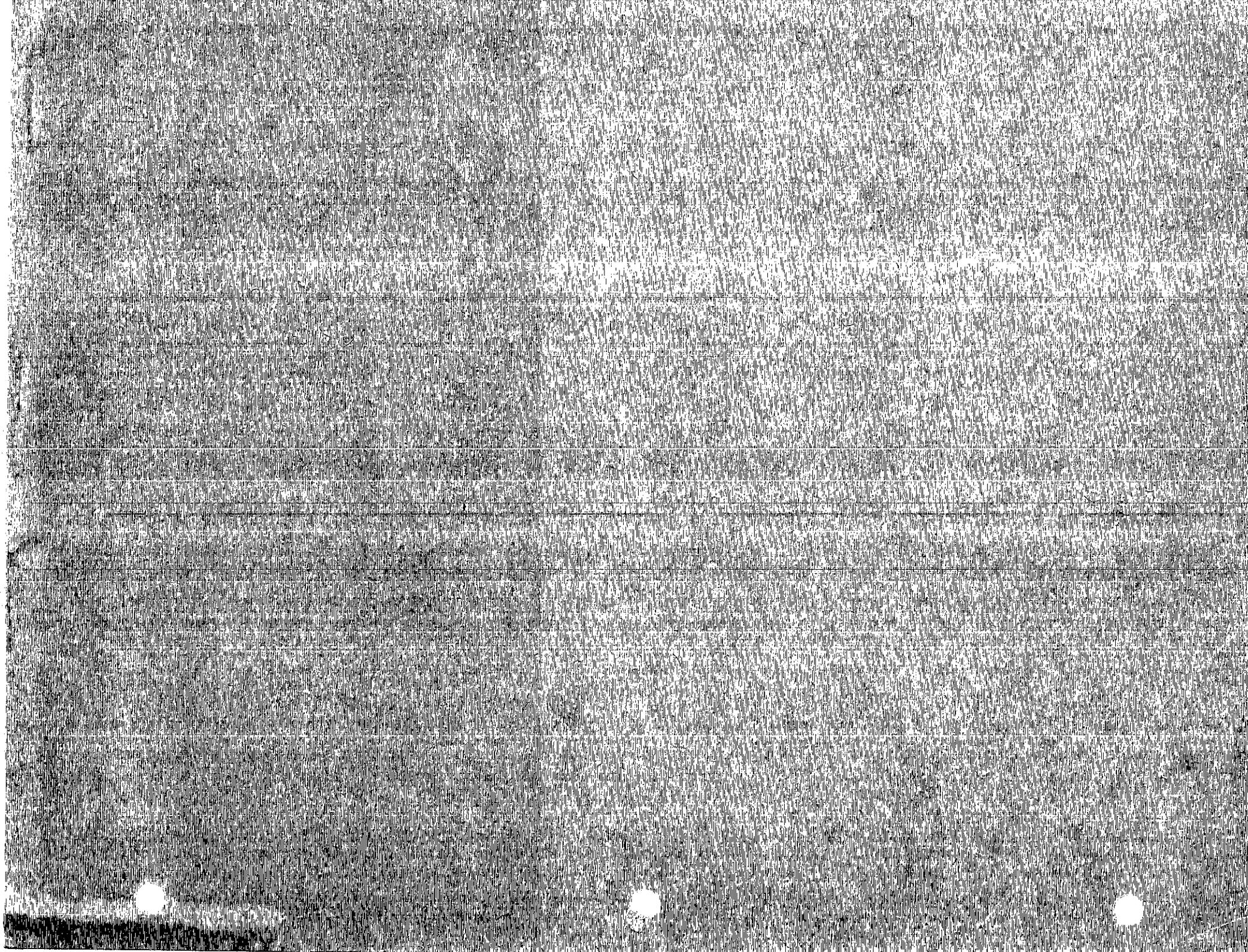
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LEGAL SERVICES CORPORATION

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In the matter of:)
PRESENTATION BY DR. JANE HAMILTON-MERRITT,)
SPECIAL ADVISOR ON HIGHLAND LAO REFUGEE)
AFFAIRS TO AMBASSADOR H. EUGENE DOUGLAS)

Friday,
March 8, 1985

Eighth Floor Conference Rm.
Legal Service Corporation
733 Fifteenth Street, N.W.
Washington, D.C. 20005

The above-entitled matter was presented in
the course of the Board of Directors Meeting of the
Legal Services Corporation at approximately 10:35 a.m.

BEFORE: W. CLARK DURANT III
Chairman

1 CHAIRMAN DURANT: Our next person to address
2 us will be Dr. Jane Hamilton-Merritt. I asked Dr. Jane,
3 as she is known--I met her quite by accident during
4 the inaugural activities.

5 We happened to be sitting next to each other
6 at dinner one evening. And Dr. Jane was a special
7 assistant to Ambassador Gene Douglas who was in charge
8 of refugee affairs at the State Department.

9 She has a particular historical interest in
10 the Highland Lao in Laos and the number of refugees
11 that had come into this country and some of the particular
12 problems that they had in terms of resettling and dealing
13 with their legal problems.

14 And I asked Dr. Jane to come and talk about what
15 she was involved with with Ambassador Douglas in order
16 to deal with those particular kinds of problems, what
17 she did.

18 And I am glad to have you here and thank you
19 for coming.

20 PRESENTATION BY DR. JANE HAMILTON-MERRITT,
21 SPECIAL ADVISOR ON HIGHLAND LAO REFUGEE
22 AFFAIRS TO AMBASSADOR H. EUGENE DOUGLAS

23 DR. HAMILTON-MERRITT: Thank you very much for
24 inviting me and allowing me to share with you in a
25 very informal way experiences over the last two years that

1 perhaps might be of interest to your report.

2 About two years ago, there was brought to
3 the attention of the federal government that we had a
4 crisis in terms of the resettlement of a particular
5 group of refugees from Southeast Asia, the tribal ethnic
6 minorities from Laos.

7 Some 100,000 of them were brought here to this
8 country and they are preliterate--meaning they had never
9 been to school, had a book or a pencil before in their
10 lives.

11 And it had come to such a crisis by 1982 that
12 it felt that there ought to be a liaison person who knew
13 this particular ethnic group--they are groups, actually,
14 I think minorities from the mountains--who could be the
15 liaison person between the communities themselves and
16 the Department of State in hopes that we could eliminate
17 and perhaps improve about 90 per cent welfare dependency
18 of this particular group of people.

19 So I came in then and was appointed as the
20 special advisor to Ambassador Douglas to see what we
21 could do about this difficult problem of great human
22 suffering and great expense to the United States.

23 The first problem that I was able to identify
24 which was very obvious once one spent any time at all
25 in the communities where there were people in trouble

1 was that they were being exploited and exploited very
2 badly.

3 They were very vulnerable and easy to exploit.
4 They were being exploited by the very systems that were
5 created and funded to assist them. And since they were
6 fearful, they could not speak up or wouldn't speak up
7 because of fear, they became manipulated very easily.

8 They were also exploited by outlaw entrepreneurs
9 claiming that they were lawyers. And they were able to
10 soak them for extraordinary sums of money to do things
11 that were unnecessary, extremely simple if one could
12 read or write, or impossible.

13 And all monies had to be paid, of course, up
14 front. As a result, refugees were extremely fearful.
15 Many of them were fleeing from community to community to
16 community causing great chaos in welfare departments and
17 social service agencies because there would be great
18 influxes of refugees who were difficult to resettle
19 suddenly appearing in the thousands in this particular
20 town.

21 As I mentioned, the welfare dependency of
22 this group nationwide was ranging to the 80 and 90 percen-
23 tiles, depending on what community you were in. It was
24 clear to me after I did my preliminary research, living
25 in the communities following the refugees about in their

1 daily lives to see what life was like, that they needed
2 some legal advice and they certainly needed some legal
3 support in those initial days in this country.

4 I am not a lawyer. I don't have much familiarity
5 with legal problems. This is not my field. But it
6 became clear that this was what the people needed and
7 how should people who are totally penniless--and this is
8 true of the ethnic minorities; they have no funds at
9 all, unlike some of the other Southeast Asia refugees.

10 And so of course coming to mind would be to
11 go to the Legal Aid Services because in the back of my
12 mind that is where one went when there was trouble.
13 And I did a bit of exploring with refugee leaders in
14 communities where they were in big trouble and it didn't
15 seem the most appropriate way for this particular ethnic
16 refugee group.

17 And I remember one community where there
18 were big troubles in the community, and many of them had
19 a legal base, where we went to the local Legal Aid office
20 and we stood behind the counter and we waited for a very
21 long time for someone to notice us.

22 And while we stood there waiting for someone
23 to see that we were there, we watched personnel gossiping
24 on the phone, talking to each other about social activities,
25 some were eating, and one woman was blowing huge bubbles

1 with her grape bubble gum.

2 The refugee looked at me and he studied
3 everything for a while and then very politely said,
4 "You know, this is just like being at the Welfare Office,"
5 which is what they are trying to escape from.

6 So I researched and I thought more about the
7 nature of the problems of this particular Highland Lao
8 refugee population with particular problems. And it
9 occurred to me what they needed above all else was legal
10 assistance from the private sector and it would have to
11 be done in a pro bono fashion because there really was
12 no alternative at this time.

13 I felt that because of the nature of their problem
14 that the private sector lawyers perhaps could be very
15 effective because the people were being exploited by
16 the social welfare-delivering agencies, the welfare
17 department, the very agencies which are set up to help
18 them.

19 And I thought well maybe the private sector
20 lawyers would be interested in this because it is their
21 tax dollars that pay for the programs that are not
22 effectively meeting the needs of the people in trouble.

23 So then I turned my attention to the private
24 sector and asked in the various communities where people
25 were in difficulty--I asked them if they would be interested

1 in helping this particular group of people. And the
2 answer was yes, they would.

3 And they responded in several ways. The first
4 way and perhaps the most important basic contribution
5 that they made was--at my request--was to establish
6 each group's ethnic association as a nonprofit organization--
7 community organization--so that it itself, the community
8 organization, could in fact receive funds that were
9 set aside by Congress for them but never got to them.

10 It all went through this maze of social service
11 delivery agencies, both state and private. And that they
12 were then--took some time to do that because they had
13 no experience in setting up a legal corporation.

14 But that perhaps was the most significant
15 overall contribution because they set up a base,
16 a structure, a formation for the people so they could
17 have an identify of their own.

18 And, they also could have a means to receive
19 funding both in the private sector and get a tax deduction
20 as well as government funds which have to be put through
21 a legal organization.

22 Then at the same time, of doing this of course
23 they tried to teach and help the refugee leaders in how
24 to obtain private funding and government funds which
25 were available for such ethnic associations called Mutual

1 Assistance Associations.

2 It was also very important for the pro bono
3 lawyers to have the interface with the local welfare and
4 social service agency workers on behalf of the Highland
5 Lao because the Highland Lao were terrified of the control
6 that welfare and social service agencies had over their
7 lives.

8 And they could not speak up in any way. They
9 would speak to me but they would not speak up publicly.
10 As I told you, many of these refugees did not know how
11 to read or write or had never been to school and knew
12 nothing about American life--nothing except the
13 welfare system where they had been placed since their
14 arrival in the 1960s.

15 They lived in fear and isolation. Many committed
16 suicide or tried to commit suicide. So other things that
17 grew out of the participation by the pro bono lawyers
18 because these communities--it seemed like lawyers have
19 access to all kinds of other people in the community when
20 there is a problem.

21 And other services--legal services--that were
22 provided were--there were problems with insurance, because
23 again you are very vulnerable if you don't know about
24 insurance and somebody comes to your door and says your
25 family will starve unless you buy this insurance because

1 you may die; you probably will in this country.

2 So lots of exploitation. They dealt with
3 such things as traffic tickets and accidents, medical
4 problems because these particular groups of people
5 refuse autopsy. It is against their religious practices.
6 They are very fearful of autopsy.

7 There are problems in housing, problems with
8 the welfare and social service agencies in the community;
9 problems with hunger; problems such as age changes
10 because in the refugee camps, records are very badly
11 kept.

12 But spin-offs from this legal involvement seem
13 to branch out into the community and in all the cases
14 where the private sector has stepped forward in this,
15 in addition to the obvious things that you would have
16 imagined that they would do, they have helped the
17 ethnic association, once it was formed, to invite
18 significant Americans from the community to advise their
19 ethnic community on how one lives in this country and
20 how one is supposed to have a job and not be on welfare
21 and is supposed to be a contributing member of society,
22 which they had not really been exposed to prior to this.

23 Also, another important spin-off was of course
24 in the private sector where jobs are available and many
25 jobs were offered and taken by refugees because there was

1 some back and forth about oh, in my company I know about
2 such and such a job.

3 So job placement was involved. Also spinning
4 off from this were sponsors of either individual refugees
5 or the ethnic associations itself by both individual
6 people and businesses as well as other self-help or
7 service oriented groups such as Chambers of Commerce, who
8 would pick up and sponsor an ethnic association and
9 teach them how one does business in this country, how
10 one keeps books, accounting, all the things that this
11 group had no experience doing.

12 Junior League has stepped forward in many
13 communities and of course they have lots of leverage
14 in many communities where they can do some very nice
15 things with people if they get interested.

16 The steps taken and the reaching out by the
17 pro bono lawyers who stepped forward at my request to
18 help in special problems it seems to me were critical
19 in cutting through the isolation, the fear and helplessness
20 that these refugees in trouble had shown when I first
21 encountered them over two years ago.

22 In this case, the efforts by these lawyers both
23 legal and human--and I would like to stress the human
24 part--were and are of critical importance to the successful
25 resettlement of this particular vulnerable group of people.

1 Refugees have been found jobs getting them off
2 welfare. Good sponsors have been located, eliminating
3 some of the fear and isolation. Reliance upon others,
4 particularly government funding and government services
5 was put into proper perspective and the refugees were
6 urged to be in charge of their own destination and
7 creation of their own ethnic associations.

8 This gives back to a refugee some sense of
9 pride because these particular ones were stripped of
10 everything, including pride. The battle to successfully
11 resettle the Highland Lao refugees continues. It has
12 not been solved.

13 But progress has been made. And much thanks
14 needs to go to the lawyers, their firms, and those
15 business men who, as a pro bono contribution in itself,
16 engaged or encouraged their own business or corporate
17 business law firms to provide someone on that staff to
18 assist this newest group of Americans who are struggling
19 so hard in the United States.

20 CHAIRMAN DURANT: Dr. Merritt, how many refugees
21 are you talking about that were involved in the
22 particular efforts that you are talking about?

23 DR. HAMILTON-MERRITT: The group that I am
24 speaking about is a small group. It is only 100,000 in
25 this country. Most of them are in trouble, however; very

1 few not in trouble.

2 And I don't have specific documentation on how
3 many were helped in this area or that area because I
4 didn't know I was coming here in time to be able to
5 gather all that information.

6 But I would say that through the efforts of
7 the ethnic association being established, every community
8 where that has happened, that affects everyone in the
9 community.

10 So in some way almost everyone has been touched
11 by the efforts of really a few people. But the leverage
12 of it all was extraordinary because it set into motion
13 a series of community involvement which became crucial
14 in sort of wrapping community arms around this vulnerable
15 group of people.

16 CHAIRMAN DURANT: How did you find the people
17 to help you with this in the private bar?

18 DR. HAMILTON-MERRITT: A combination of ways.
19 Sometimes they were leading business men in the community.
20 Sometimes through a reference through a friend of mine
21 who happened to be a lawyer who said oh, yes, I remember
22 one of my classmates Joe Smith who is now working in
23 Des Moines.

24 He gave him a ring; he's a good chap; word of
25 mouth. It always seemed to be a different way that I made

1 a contact. But I would make the approach because the
2 refugees were terrified to walk in these buildings with
3 all these people and not speaking English very well or at
4 all.

5 So I always made the initial approach and
6 asked for assistance.

7 CHAIRMAN DURANT: Geographically, what areas
8 of the country were involved with these refugees? Was
9 it all in one area.

10 DR. HAMILTON-MERRITT: The largest problems
11 occurred--at least the ones that I was working on--were
12 in the midwest and in California.

13 CHAIRMAN DURANT: If you could sort of summarize
14 where the different settlements--where the different
15 groups of refugees ended up locating?

16 DR. HAMILTON-MERRITT: Spread across this
17 country from coast-to-coast: Providence, Rhode Island;
18 Minneapolis/St. Paul, if you could imagine a worse place
19 for somebody from a tropical mountain land.

20 (Laughter)

21 A lot in Michigan, Wisconsin. Denver has some
22 still. California has a lot. Many of them fled their
23 original site of resettlement because of the things that
24 I just described.

25 In fact, in one community, a Chamber of Commerce

1 Executive Director whom I had asked to lunch just to
2 discuss with him along with the lawyers, what we might be
3 able to do to break this isolation. And I took with me
4 some refugee leaders and one of them responded to the
5 Executive Director's question when the Executive Director
6 said tell me, young man--who wasn't very young, by the
7 way--young man, how do you like living in our town?

8 And the refugee paused, took a deep breath, and
9 said excuse me, Sir, but living here is like living in a
10 prison. That has changed now in that community. That
11 has been turned around in that community.

12 In fact, they now say at last we found a home.

13 CHAIRMAN DURANT: Any other questions?

14 Mr. Mendez?

15 MR. MENDEZ: How did they handle the translation
16 problem and how do you handle it?

17 DR. HAMILTON-MERRITT: Well, I speak some of
18 the languages so I have an advantage. I spent much of
19 my life in Asia. But what they have is the ethnic
20 association becomes critical in appointing an interpreter
21 who will then work with the lawyers, the pro bono
22 lawyers.

23 That is part of their contribution. In every
24 community there has to be some people who can speak
25 English or the community could not survive. There always

1 are leaders who can speak.

2 CHAIRMAN DURANT: Are the interpreters
3 compensated or how do they do it?

4 DR. HAMILTON-MERRITT: They have been free.
5 That is part of the contribution that the ethnic association
6 made, was to give their efforts free.

7 CHAIRMAN DURANT: Mr. Uddo?

8 MR. UDDO: Doctor, I am interested in your
9 experience with the Legal Services office. You didn't
10 finish the story for us. You went there and it didn't
11 look good but did you get to talk to anybody?

12 DR. HAMILTON-MERRITT: We did finally after
13 some people--there was no one to talk to there at the
14 time and eventually somebody did come back who was in a
15 responsible position.

16 And we did have a chat. There was a follow-up
17 chat. But the refugees felt very uncomfortable.

18 MR. UDDO: How did you feel about the way the
19 Legal Services office handled the problem? Did they
20 feel incapable of dealing with them?

21 DR. HAMILTON-MERRITT: Yes. I think they felt
22 a little strange around these particular people. They
23 didn't know much about them. They didn't quite understand
24 the importance of the problems that they were bringing
25 forward.

1 I don't think they knew much about the
2 community itself. And so they were a little fuzzy,
3 I think, in their minds just what to do and how to
4 handle a problem where you have so many difficulties
5 standing on any problem.

6 MR. UDDO: Did they offer to do anything?

7 DR. HAMILTON-MERRITT: They offered to think
8 about it.

9 MR. UDDO: Did you ever hear back from them?

10 DR. HAMILTON-MERRITT: There was a follow-up
11 visit--not by myself but by the man I took to introduce.
12 And the refugees felt very uncomfortable.

13 MR. WALLACE: How many private lawyers have
14 you had working in your program altogether? Do you
15 know?

16 DR. HAMILTON-MERRITT: I don't have total
17 figures but I would say in the community we had--we had
18 six communities who were really in trouble with large
19 populations. In each of those communities there were at
20 least two people who share the responsibility and
21 sometimes the whole firm shares the responsibility--in
22 some way, in that they would be called upon to do particular
23 things.

24 MR. WALLACE: Did they seem to be able to handle
25 the task? Is two lawyers per community enough? Has that

1 worked reasonably well?

2 DR. HAMILTON-MERRITT: Well, depending on the
3 size of the community--

4 MR. WALLACE: Sure.

5 DR. HAMILTON-MERRITT: --I think so. And I
6 think the thing that happened--they could speak for
7 themselves, of course, but the thing that I think happened
8 that was most extraordinary was the satisfaction that
9 the lawyers themselves got from this small amount of
10 effort to be able to accomplish almost miracles in terms
11 of the eyes of the refugees.

12 CHAIRMAN DURANT: Mr. Mola?

13 MR. MOLA: If the Committee is interested, we
14 in Rhode Island have about 7000 Southeast Asians, a very
15 large concentration given the small size of our state.
16 We also run special outreach projects into the Southeast
17 Asian community.

18 And it is primarily a staff model with a pro bono
19 component. I would reiterate the problems of access in
20 reaching this community are incredibly difficult. We
21 have had to spend a lot of time on the access and the
22 outreach in getting the support of the leaders of the
23 various ethnic communities.

24 Secondly, we have had to put a lot of resources
25 in cross-cultural training for our staff. The problems that

1 you run into are incredible. For example, the hesitancy
2 on the part of the Southeast Asian to even appear in
3 court might be based on our ignorance something that is
4 simply not rationale, but then in talking with the
5 individual you find out the last time they were in court
6 their brother-in-law and sister were killed as a result
7 of that court appearance.

8 And you begin to understand the very real
9 difficulties in providing service to these communities.
10 It is essential--very important to understand the
11 legal problems that these people have.

12 We are just beginning to understand the very
13 different system of government and culture. It is very
14 important for Legal Services programs. And access and
15 ability to deliver services is also an incredible problem
16 for both pro bono and staff attorney models.

17 We are also very fortunate though to receive a
18 small grant from the Office of Refugee Resettlement
19 through our state welfare department. We currently
20 have on staff three paralegal trainees, one from Cambodia
21 and one from the Laotian and one from the monk community.

22 We are working in a one year pilot project to
23 participate in both the academic training of these three
24 individuals and then an internship in our program for
25 the furtherance of that training.

1 We hope by June to have three people who are
2 now going to be paralegal advocates within each of those
3 communities and hopefully we will get an extension of
4 the grant to train three more.

5 CHAIRMAN DURANT: When I come to Rhode Island,
6 I hope you will acquaint me.

7 MR. MOLA: I will bring you to the Buddhist
8 Temple and--

9 (Laughter)

10 MR. WALLACE: Let me support what both of them
11 said about the difficulties and problems because we have
12 a pretty substantial Vietnamese community in Biloxi.
13 And we also have an Air Force Base there.

14 I once wound up representing a Thai woman who
15 was being divorced by her Air Force husband and not only
16 the language problem but the absolute terror of somebody
17 who is half a world away from home and about to be cut
18 loose in the world is not an easy thing to deal with.

19 I sympathize with any staff program that has to
20 contend with that problem and I can see how they might have
21 been a little befuddled with the major problems they
22 had because it is not an easy thing to have to deal with.

23 DR. HAMILTON-MERRITT: In terms of the numbers of
24 Southeast Asians, I was speaking only about Highland Lao,
25 the tribal minorities from Laos. But we have about a

1 million refugees now in this country from Southeast
2 Asia--legal refugees.

3 There are all kinds of illegal ones; but the
4 legal ones that are on the books, we have about a million.
5 Those that are coming now of course are less capable
6 and less able to deal with western society.

7 So we have an ongoing problem. But I have
8 found in my own experience when things were really tough
9 that these people from the legal professions stepped
10 forward in very difficult, trying times .

11 And, to answer your question, they became
12 personally involved so they tried to understand the fear
13 they expressed about going to jail. In terms of the Highland
14 Lao community, if they are put in jail--which people
15 didn't know at the beginning because there were few
16 people who knew about the culture of these people--that
17 it is considered such a dishonor to be put in jail, just
18 for questioning, that you must end your life. Must end
19 your life.

20 And a lot of people were put in jail just for
21 minor infractions--for traffic infractions--and the next
22 day they say we have to hang ourselves up, they say,
23 and you find them hanging up in the jail.

And if we had known that, if more people had
other ways to deal with

