

Content downloaded/printed from

[HeinOnline](#)

Fri Sep 6 14:27:06 2019

Citations:

Bluebook 20th ed.

Zenobia Lai; Andrew Leong; Chi Chi Wu, Lessons of the Parcel C Struggle: Reflections on Community Layering, 6 UCLA Asian Pac. Am. L.J. 1 (2000).

APA 6th ed.

Lai, Z.; Leong, A.; Wu, C. (2000). Lessons of the parcel struggle: Reflections on community layering. UCLA Asian Pacific American Law Journal, 6(1), 1-43.

ALWD

Lai, Z.; Leong, A.; Wu, C. (2000). Lessons of the parcel struggle: Reflections on community layering. Asian Pac. Am. L.J., 6(1), 1-43.

Chicago 7th ed.

Zenobia Lai; Andrew Leong; Chi Chi Wu, "Lessons of the Parcel C Struggle: Reflections on Community Layering," UCLA Asian Pacific American Law Journal 6, no. 1 (Spring 2000): 1-43

McGill Guide 9th ed.

Zenobia Lai, Andrew Leong & Chi Chi Wu, "Lessons of the Parcel C Struggle: Reflections on Community Layering" (2000) 6:1 UCLA Asian Pac Am LJ 1.

MLA 8th ed.

Lai, Zenobia, et al. "Lessons of the Parcel C Struggle: Reflections on Community Layering." UCLA Asian Pacific American Law Journal, vol. 6, no. 1, Spring 2000, p. 1-43. HeinOnline.

OSCOLA 4th ed.

Zenobia Lai and Andrew Leong and Chi Chi Wu, 'Lessons of the Parcel C Struggle: Reflections on Community Layering' (2000) 6 UCLA Asian Pac Am LJ 1

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

-- To obtain permission to use this article beyond the scope of your license, please use:

[Copyright Information](#)

Use QR Code reader to send PDF to your smartphone or tablet device



ARTICLES

THE LESSONS OF THE PARCEL C STRUGGLE: REFLECTIONS ON COMMUNITY LAWYERING

Zenobia Lai
Andrew Leong
Chi Chi Wu*

ABSTRACT

In chronicling Boston Chinatown's eighteen-month struggle against the sale of Parcel C to New England Medical Center for the construction of a large hospital garage, the authors reflected on how their work as community lawyers assisted the community in winning control over land development. In addition to applying their training to tackle the legal issues, the authors participated in the struggle as the community's historians, interpreters, researchers, strategists, and organizers. By adopting innovative strategies such as community referendum, community traffic analysis, and a community Recreation Day to take back the land, community lawyers can encourage ordinary people to participate in and feel ownership of the struggle. The article also offers suggestions on how to work effectively with a low-income community of immigrants and linguistic minorities to attain the goal of community empowerment.

TABLE OF CONTENTS

I. INTRODUCTION	2
II. BOSTON'S CHINATOWN: AN ENVIRONMENTAL LEGACY	2
A. <i>The Legacy of Urban Planning</i>	2
1. <i>Highway Construction</i>	3
2. <i>Hospital Land Grab</i>	4
3. <i>The "Combat Zone"</i>	5
B. <i>The Environmental Impact</i>	6
C. <i>The Explanation: Environmental Injustice</i>	8
III. THE PARCEL C STRUGGLE.....	10

* Zenobia Lai is an attorney at Greater Boston Legal Services; Andrew Leong is a professor at the University of Massachusetts, Boston; and Chi Chi Wu is an attorney at the Office of the Attorney-General in Massachusetts. The viewpoints expressed here are those of the individual authors; institutional affiliation is provided for identification purposes only. We thank Professor Jerry Kang at UCLA School of Law for his assistance in editing this article. We dedicate this article to the elderly, the youth, and the activists who fought to regain Parcel C for Boston Chinatown, whose lives inspired us to be community lawyers.

This paper was made possible in part by the generous support of the Affiliation of LEAP Asian Pacific American Public Policy Institute <<http://www.leap.org>> and the UCLA Asian American Studies Center <<http://www.sscnet.ucla.edu/aasc/>>. This article will be published in separate monograph form and be distributed nationally to elected officials, community leaders, civil rights organizations, educational institutions, and the media. The document will also be made available through the Internet. This is the second monograph of an ad-hoc law and public policy series edited by Professor Jerry Kang <<http://www.law.ucla.edu/faculty/kang>> and sponsored by the LEAP-UCLA Affiliation.

A.	<i>The History of Parcel C</i>	10
B.	<i>The Coalition: Organizational Structure</i>	12
C.	<i>Central Principles</i>	16
D.	<i>The Campaign: Putting Principles into Practice</i>	16
IV.	LESSONS LEARNED FROM PARCEL C	23
A.	<i>Empowering the Community</i>	24
B.	<i>Building Relationships between Lawyer and Community</i>	26
C.	<i>Translating Across Language and Culture</i>	30
D.	<i>Accomplishing Goals Pragmatically</i>	31
V.	CONCLUSION	34
VI.	APPENDIX	35

I. INTRODUCTION

Chinatowns are some of the most vibrant ethnic neighborhoods in America's landscape. Home to recent immigrants and old-timers alike, a city's Chinatown is the heart of many urban Asian American communities. But Chinatowns are often found in city centers and in crowded and polluted environments. Boston's Chinatown, the fourth largest in the United States, is no exception.

What explains a Chinatown's location and circumstance? Is it pure chance? Unfortunately, no. At least not with Boston's Chinatown. Since the 1950s, urban planning has given Boston's Chinatown two massive highways, land-hungry medical institutions, and a red light district. Half a century of such policy came to a head in 1993, when the city of Boston tried to sell open land in the heart of Chinatown to build a mammoth garage. The proposed sale of this land, known as "Parcel C," sparked protest and organized resistance.

The Parcel C struggle combined grassroots community organizing and community lawyering. As attorneys who joined the campaign, we share the community's story of struggle and victory. Based on this experience, we explore what "community lawyering" means in practice,¹ especially when the community is disenfranchised, immigrant, and not fluent in English. We also address how to go beyond the limitations of traditional lawyering, which focuses too narrowly on legal remedies granted by a court of law. The struggle succeeded only because legal strategies were supplemented with political protests, media campaigns, neighborhood coalition-building, and political alliances with powerful environmental groups. It is our hope that the Parcel C story will help produce a better model of community lawyering that is useful across communities and crises.

II. BOSTON'S CHINATOWN: AN ENVIRONMENTAL LEGACY

A. *The Legacy of Urban Planning*

Boston's Chinatown is a small but densely populated community. Its forty-six acres are bounded by Essex Street to the north, Washington and Tremont Streets to the west, the Surface Artery to the east, and Marginal Road to the south. For many,

1. For articles about community lawyering, see Anthony Alfieri, *Impoverished Practices*, 81 GEO. L.J. 2567 (1993); GERALD P. LOPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992); Martha Minow, *Breaking the Law: Lawyers and Clients in Struggles for Social Change*, 52 PITTSBURGH L. REV. 723 (1991); William Quigley, *Reflections of Community Organizers: Lawyering For Empowerment of Community Organizations*, 21 OHIO N.U. L. REV. 455 (1994); Cornel West, *KEEPING FAITH: PHILOSOPHY AND RACE IN AMERICA* 235-47 (1993); Eric Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Practice in Post Civil Rights America*, 95 MICH. L. REV. 821 (1997).

Chinatown is a purely commercial district of "exotic" shops, markets, and restaurants, which are toured on weekend excursions. However, Chinatown is also a residential community and home to more than 5,000 people.

To understand the Parcel C struggle, we must understand Chinatown's history. Until 1870, only a few Chinese merchants and sailors resided in the Commonwealth of Massachusetts. The first large group of Chinese immigrants arrived as cheap labor to break a strike at a North Adams shoe factory. Five years later, some of these laborers came to Boston to work on the Pearl Street Telephone Exchange and settled around "Ping On Alley."² During the 1880s, more Chinese immigrants fled the rising nativism of the West Coast³ and arrived in Boston to develop the area known today as Chinatown.

The Chinese community was well settled and growing during the early and mid-twentieth century.⁴ After World War II, the business sector — especially restaurants — flourished, bringing economic prosperity⁵ as well as new civic and community associations. Starting in the 1950s, Chinatown became a victim of "urban renewal."⁶ Cities such as Boston adopted urban renewal strategies specifically to attract businesses and industries back into downtown, to refurbish its tax base, and to entice urban residents to remain in the area.⁷ Unfortunately, all communities did not equally share in the burdens and benefits of urban renewal.⁸ Certainly, Boston's Chinatown did not.

1. *Highway Construction*

In the 1950s and 1960s, Chinatown lost one-half of its land and one-third of its housing to two new highways: the Central Artery and the Massachusetts Turn-

2. See DORIS CHU, *CHINESE IN MASSACHUSETTS: THEIR EXPERIENCES AND CONTRIBUTIONS* 44–47 (1987).

3. See Rhoades Murphey, *Boston's Chinatown*, in *ECONOMIC GEOGRAPHY* 245–55 (1952).

4. According to census data, the Chinese population in Chinatown and in Boston grew at a consistent rate each decade, from 1890 to 1970, with the greatest growth coming after 1965. In 1965, the Immigration and Nationality Act was amended to remove racially restrictive immigration quotas for Asians. For specific census data during this period, see CHARLES SULLIVAN AND KATHLYN HATCH, *THE CHINESE IN BOSTON*, 1970, at 20 (1970).

5. See Todd Stevens, *Dinner at the Den: Chinese Restaurants in Boston, 1900–1950* (Feb. 24, 1998) (unpublished manuscript, on file with authors).

6. By "urban renewal," we refer to the program heralded by the Federal Housing Act of 1949 and its subsequent amendments. See Housing Act of 1949, Pub. L. No. 81-171, 63 Stat. 413 (1949) (codified as amended at 42 U.S.C. § 1441 et seq. (1994)). The initial urban renewal policy focused on slum clearance by empowering local public agencies to take privately owned land by eminent domain, clear it of structures, and then sell to private developers of new housing. The policy later evolved to conservation and rehabilitation of existing housing. See LANGLEY CARLETON KEYES, JR., *THE REHABILITATION PLANNING GAME: A STUDY IN THE DIVERSITY OF NEIGHBORHOOD* 1–19 (1969). In using this term, we do not mean to include other public policies such as highway construction and public housing development that transformed the urban landscape during this period.

7. In the course of urban renewal, Chinatowns in St. Louis, Tucson, San Antonio, and Boise, disappeared in total. Other Chinatowns in Boston, Los Angeles, Montreal, Philadelphia, Vancouver/Strathcona, and Washington, D.C., were significantly reduced in size and are still struggling with the legacies of urban renewal policies.

8. The destructive legacy of urban renewal is well-documented in numerous cities. See JOHN STAIN-TON, *BOSTON REDEV. AUTH., URBAN RENEWAL AND PLANNING IN BOSTON — A REVIEW OF THE PAST AND LOOK AT THE FUTURE: A CONSULTANT STUDY* 19 (1972). See also MARTIN ANDERSON, *THE FEDERAL BULLDOZER: A CRITICAL ANALYSIS OF URBAN RENEWAL, 1949–1962* (1964); JEWELL BELLUSH & MURRAY HAUSKNECHT, *URBAN RENEWAL: PEOPLE, POLITICS AND PLANNING* (1967); SCOTT GREER, *URBAN RENEWAL AND AMERICAN CITIES: THE DILEMMA OF DEMOCRATIC INTERVENTION* (1965); JAMES Q. WILSON, *URBAN RENEWAL: THE RECORD AND THE CONTROVERSY* (1966).

pike Extension. Built between 1953 and 1959, the Central Artery destroyed over fifty housing structures as well as half of the celebrated On Leong Merchant Association building.⁹ Built in 1963, the Massachusetts Turnpike extension destroyed sixty more housing structures.¹⁰ Cutting off potential routes of expansion, these highways eliminated much affordable housing, reduced the number of commercial venues, and added enormous traffic congestion, noise, and pollution.

2. *Hospital Land Grab*

The federal urban renewal policy started to restructure Chinatown when the City of Boston adopted the 1965 South Cove Urban Renewal Plan ("the Plan"),¹¹ that slated Chinatown for "slum clearance." The Boston Redevelopment Authority ("BRA"),¹² the city agency in charge of urban renewal, took land from Chinatown residents and sold it to Tufts-New England Medical Center ("T-NEMC").¹³ This exchange of land enabled T-NEMC to triple in size in the 1970s and 1980s.¹⁴ As a tax-exempt entity, T-NEMC received federal funds to acquire and demolish Chinatown properties in order to develop its own buildings.¹⁵ In its role as landlord of the

9. See, e.g., Chinese Economic Development Council, Economic Development for Boston's Chinese Community, Phase II, The Acquisition of Title VII-D Community Development Corporation Planning Grant Proposal 12-13 (Dec. 1, 1975) [hereinafter CEDC 1975 proposal] (on file with authors). The On Leong Merchant Building was built in 1951. This \$1 million structure was one of the first buildings specifically constructed for the benefit of the Chinese community.

10. See CEDC 1975 proposal, *supra* note 9, at 13.

11. In the 1950s and 1960s, the BRA identified ten areas in Boston for renewal. A plan was drawn up for each area. See, e.g., EDWARD J. LOGUE, BOSTON REDEV. AUTH., SEVEN YEARS OF PROGRESS (1967). The South Cove Urban Renewal Plan that covered Chinatown was one of these plans. This Plan officially began in 1965 and ended in 1978. However, the land grabbing in anticipation of the Plan took place years before its official commencement. At the Plan's termination, several parcels of land remained undeveloped.

12. The Boston Redevelopment Authority ("BRA") was established in 1957 to implement the federal urban renewal policy. Its mission was expanded to include planning and development when it merged with the Boston Planning Board in 1960. See JOHN W. ROSENBLUM, THE BOSTON REDEVELOPMENT AUTHORITY 10 (1969).

13. The New England Medical Center ("NEMC") was formed in 1965 through the consolidation of various medical institutions then existing in Chinatown. Tufts University School of Medicine had also relocated from its downtown site to Chinatown in the late 1940s. NEMC served as the primary teaching affiliate of Tufts University. Around 1962, NEMC and Tufts entered into an alliance named T-NEMC, which served as the title-holder of several properties within the Tufts-New England Medical Center facilities. Through the years, these three entities — Tufts, NEMC, and T-NEMC — bought and developed properties jointly and separately. Throughout this article, we refer to the various entities as appropriate. See TUFTS-NEW ENG. MEDICAL CENTER, BOSTON AND BEYOND: THE ECONOMIC IMPACT OF THE TUFTS-NEW ENG. MED. CTR. 90-94, (Florence Trefethen ed., 1974).

14. Since 1971, the T-NEMC, NEMC, and Tufts have developed 12 new facilities in Chinatown, adding over one million gross square feet to the property under its control. See, e.g., NEW ENG. MED. CTR., MASTER PLAN 1990-2000, at 6-13 (1990); Zenobia Lai et al., *In re Comment to New England Medical Center Hospital Plan for Parking Garage on Parcel C*, 28 CLEARINGHOUSE REV. 295 (1994). Between the 1950s and 1960s, T-NEMC acquired numerous parcels of property in the South Cove/Chinatown neighborhood, increasing its land holding five times from two acres to ten acres. See, e.g., REAL EST. RES. CORP., URBAN RENEWAL LAND DISPOSITION STUDY - BOSTON, MASSACHUSETTS 181-84 (1973) [hereinafter RERC]. Between 1940 and 1971, the T-NEMC expansion razed 167 units of housing in the Chinatown/South Cove area. See TUFTS-NEW ENG. MED. CTR., *supra* note 13, at 93-94.

15. The City's intent to turn over Chinatown land for institutional expansion not low-income housing is clearly evidenced by how parcels taken under the Plan were labeled. Parcels labeled "R" were designated for housing, whereas those designated "P" were for institutional use. Of the 20 parcels included in the Chinatown section of the 1965 Plan, 15 were labeled "P." Of these "P" parcels, eight are now occupied by new T-NEMC structures covering areas larger than the designated urban renewal parcels. An additional "P" parcel will be developed into another Tufts research facility in the year 2000. Only three other "P" parcels were removed from the South Cove Urban Renewal Plan's demolition list and turned over to the Chinatown community, one of them is Parcel C. Through Section 112 of the Housing Act of 1961, Pub. L. No. 87-70,

newly acquired properties, T-NEMC refused to renew leases for both residential and commercial tenants, which meant the loss of both affordable housing and jobs for the Chinatown community.¹⁶

Having a modern hospital in the heart of Chinatown might have tempered those harms. Unfortunately, NEMC has given little back to the community in which it is housed. Most Chinatown residents have not and do not today receive medical care at NEMC. Instead, they go to the South Cove Community Health Center ("SCCHC") in Chinatown, founded in 1976. Before that time, residents traveled about 1.5 miles to Boston City Hospital for medical services because NEMC declined to provide outpatient facilities.¹⁷ Indeed, when the SCCHC was first formed, its doctors were not allowed patient-admitting privileges to NEMC although only half a block separated the two facilities and such referrals would have greatly benefited patients.¹⁸

3. The "Combat Zone"¹⁹

Before the urban renewal policies of the 1960s, adult entertainment shops were located in Scollay Square, about 1.2 miles away from Chinatown. When the Square was demolished to make way for the new Government Center, these establishments scattered across the city, with a few relocating to lower Washington Street beside Chinatown. In 1974, the city of Boston took an unprecedented action by creating a safe haven for adult entertainment businesses. The idea was to contain these businesses to prevent their spread into other neighborhoods.²⁰ Once corralled, they would not be tempted to go elsewhere. Geographic concentration would also make them easier to police. The City chose to create this "Combat Zone" beside China-

Stat. 42 U.S.C. § 1436 (June 30, 1961), the City could receive \$2 of matching federal funds for every dollar that non-profit institutions such as T-NEMC spent on acquiring, demolishing, or rehabilitating housing structures located within an urban renewal district or in close proximity thereof. See JULIAN H. LEVI, MUNICIPAL AND INSTITUTIONAL RELATIONS WITHIN BOSTON: THE BENEFITS OF SECTION 112 OF THE FEDERAL HOUSING ACT OF 1961, at 2, 12-14 (1964). Under this formula, it made more economic sense for the City to encourage institutional expansion within urban renewal areas to secure the federal matching funds than to expend its own funds for new or rehabilitated housing for the same federal credits. See also BOSTON REDEV. AUTH., INFORMATION ON THE PROPOSED SOUTH COVE URBAN RENEWAL PROJECT AND ON THE BAY VILLAGE COMMUNITY 5 (1965).

16. For example, T-NEMC's purchase of 15-35 Kneeland in 1981 meant the closing of garment factories, which put 80 Chinese garment workers out of work. See Edward McInnis, *Tufts' Lease on Two Kneeland Street Buildings Threatens Over 600 Jobs in Chinatown*, SAMPAN, May 1981, at 1. See also [NEMC Bought Two Commercial Buildings in Boston Chinatown, 25 Garment Factories May Close, Threatening Livelihood of Hundreds of Chinese Workers], SINGTAO DAILY NEWS, Apr. 27, 1981, at 9; Joan Axelrod, *Rent Hikes Force Needle Trades to Look Elsewhere: Tufts Puts Squeeze on Chinatown*, BOSTON LEDGER, July 31, 1981, at 3; Robert A. Jordan, *Chinatown Hits Lease of 2 Buildings*, BOSTON GLOBE, Apr. 23, 1981, at 14.

17. Obviously, inpatient care is more expensive than outpatient care. Aside from medical expenses, inpatient care increases time away from work and family. Even after T-NEMC began operating some outpatient facilities in the 1970s, few Chinatown residents used its services because it did not provide interpreter services, provided less free health care, and was less culturally sensitive to the Chinese population's dietary preferences, eastern medicine, or work schedules. See SULLIVAN & HATCH, *supra* note 4, at 66. See also BOSTON REDEV. AUTH., CHINATOWN-SOUTH COVE DISTRICT PROFILE AND PROPOSED 1978-1980 NEIGHBORHOOD IMPROVEMENT PROGRAM 19 (1977).

18. Over a decade later, patient-admitting privileges were granted.

19. "Combat Zone" is the popular reference to an area with concentrated adult entertainment businesses, such as adult bookstores, bars, adult movie houses, strip tease joints, and peep show parlors.

20. See, e.g., Robert A. Jordan, *In the 'Zone,' It will Be Business as Usual, Says Boston Counsel*, BOSTON SUNDAY GLOBE, July 22, 1973, at 27; Robert Jordan, *Board OKs Zone for Hub's Adult Shows*, BOSTON EVENING GLOBE, Nov. 14, 1974, at 1; Edward Burke & Peter Mancusi, *Combat Zone Is Alive, Well . . . and Still Hard Core*, BOSTON GLOBE, Aug. 28, 1974, at 1.

town, rather than next to Back Bay or Beacon Hill, both of which are predominantly Caucasian and wealthy neighborhoods. Throughout the 1970s and 1980s, Chinatown endured the "Combat Zone," with its peep shows, striptease clubs, adult bookstores, and X-rated movie theaters.²¹

B. *The Environmental Impact*

For Chinatown, urban renewal produced one of the worst urban environments in Boston.

Housing Crisis. While the Asian population in Boston's Chinatown almost doubled between 1975 and 1985 (with a population of 5,100 people by 1985),²² the housing stock in Chinatown had no room to grow. Institutional expansion by T-NEMC throughout the 1970s and 1980s drove up real estate prices, making Chinatown's housing unaffordable.²³ In addition to losing housing stock by eminent domain, Chinatown also lost units over the past twenty years when landlords eagerly evicted their tenants and sold their properties to Tufts or NEMC.²⁴ As a result, the limited housing in Chinatown led to severe overcrowding.²⁵ Recent immigrants seeking to live in Chinatown for both community and employment have been forced to live in over-crowded dwellings or to settle elsewhere.²⁶

Lack of Open Spaces. Chinatown is the most densely populated neighborhood in Boston [See *Figure 1 in Appendix*], with a ratio of 111 residents per acre, compared to 26 residents per acre in the nearby neighborhood of South End.²⁷ Worse,

21. Today, due to high real estate prices in Boston, much of the "Combat Zone" has disappeared with the exception of a few sex shops and strip clubs. A major portion of the zone is now refurbished and occupied by the state's Registry of Motor Vehicles and a parking lot.

22. In the 1980 census, the Chinatown population was estimated at around 3,700, and in 1985, 5,100. Over 90 percent of Chinatown's population was Asian. See GREGORY W. PERKINS & DEBORAH A. ORIOLA, BOSTON REDEV. AUTH., CHINATOWN HOUSING SURVEY 1 (1987) [hereinafter 1987 CHINATOWN HOUSING SURVEY].

23. See, e.g., CHINATOWN-SOUTH COVE DISTRICT PROFILE AND PROPOSED 1979-1981 NEIGHBORHOOD IMPROVEMENT PLAN 1979, at 3, 9, 20 (1979) [hereinafter CHINATOWN/SOUTH COVE PROGRAM]. See also Patricia Lee, *Chinatown Tradition, Troubles — a Working Class Community Feeling Growing Pains*, BOSTON GLOBE, Nov. 30, 1980, at 33.

24. See *Lessons from Harvard-Harrison Evictions*, CHINATOWN HOUSING NEWSLETTER (Chinatown Housing and Land Development Task Force, Boston, Mass.), Feb.-Mar. 1980, at 3; *Chinatown Evictions*, CHINATOWN HOUSING NEWSLETTER (Chinatown Housing and Land Development Task Force, Boston, Mass.), Feb.-Mar. 1980, at 1; Davis Ja, *Letter to Tufts . . .*, CHINATOWN HOUSING NEWSLETTER (Chinatown Housing and Land Development Task Force, Boston, Mass.), May-June 1980.

25. Chinatown housing is the most overcrowded in Boston with 21 percent of its units classified as overcrowded compared to a city average of 4 percent. See South Cove/Chinatown Neighborhood Council, City of Boston, Boston Redev. Auth., CHINATOWN COMMUNITY PLAN 65 (1990). Within the most recently built mixed-income housing development in Chinatown, only 30 out of the 88 units were reserved for low-income housing, yet over a thousand people stood in line for applications. See Michael Rezendes, *City Offers Chinatown Housing Plan*, BOSTON GLOBE, Aug. 15, 1990, at 19; Sally Jacobs, *Dreams Crowded out in Chinatown*, BOSTON GLOBE, Aug. 12, 1990, at 25 ("there is the chronic shortage of housing, while Chinatown's population tripled between 1950 and 1980, the housing stock increased only about 50 percent, as 682 new units in three subsidized developments were added . . . the wait for one of those units can be several years long"); David Polochanin, *1,000 Wait in Chinatown for Hours for New Housing*, BOSTON GLOBE, Aug. 28, 1994, at 32.

26. See JEFFREY P. BROWN ET. AL., PROFILE OF BOSTON'S CHINATOWN NEIGHBORHOOD 10-12 (1987). Recent immigrants, who would otherwise have preferred to live in Chinatown, have settled in Allston-Brighton, Fenway-Kenmore, Somerville, and the South End. See Daniel Golden, *Passing the Torch; Today's Immigrants are the Largest and Most Diverse Group Ever to Arrive in America*, BOSTON SUNDAY GLOBE MAG., Oct. 13, 1991, at 20; Jacobs, *supra* note 25, at 25; Betsy Q.M. Tong, *Boston's New Geography: Vietnamese Edge into Chinatown, Transforming an Enclave*, BOSTON GLOBE, Feb. 1, 1993, at B1.

27. See CHINATOWN COMMUNITY PLAN, *supra* note 25, at 64.

Chinatown has only 2.9 acres of open space.²⁸ That means a mere 0.6-acre of open space per 1,000 residents — the least amount of open space per resident in the city. Although approximately twelve open spaces exist in and around Chinatown, three of them (city-owned) are unsafe. Two of them lie within the NEMC property and are viewed by Chinatown residents as forbidding. Of the remaining seven, only three are of the appropriate size to be actively used by the residents. The only open space with recreational facilities, such as volleyball and basketball courts, is adjacent to the Central Artery ramps, where thousands of cars enter and exit the highway daily.

Surrounded By Parking Lots & T-NEMC High Rises. Residential Chinatown consists of four housing projects and several blocks of modest row houses and triple-deckers. T-NEMC expansion inserted 8-, 11-, and 15-story buildings into the landscape. Thus, Chinatown residents live either in one of the huge gray slabs of housing development or in the shadows of T-NEMC concrete. T-NEMC expansion has also produced in Chinatown one of the highest concentrations of parking lots in Boston, with thirty-four spaces per acre. In 1990, Chinatown had 1,573 off-street parking spaces, taking up nine acres of land. Most of these parking lots or garages are used by the medical institutions for their employees, clients, and patients, and not by Chinatown residents, seventy percent of whom do not own cars.²⁹ By comparison, South End has 4.6 parking spaces per acre, and the city of Boston, as a whole, has 1.7 parking spaces per acre.³⁰

Traffic & Pollution. A study conducted by the Massachusetts Turnpike Authority Associates concluded that Chinatown streets are overloaded,³¹ producing extremely high rates of pedestrian accidents and fatalities.³² Even the BRA³³ has conceded that Chinatown suffers from “chronic traffic congestion [and that] pedestrian safety in the heavily concentrated residential areas has been threatened.”³⁴ Bounded by the massive Central Artery and the Massachusetts Turnpike, Chinatown also suffers from air quality that violates national carbon monoxide safety stan-

28. This includes the Pagoda Park next to the Central Artery ramps in the nearby Leather district and the Eliot Norton Park in the adjacent Bay Village. These two parks account for 2.5 acres. The remaining 0.4 acres include parks, school playgrounds, and urban gardens. See CHINATOWN COMMUNITY PLAN, *supra* note 25, at 64-65.

29. See CHINATOWN COMMUNITY PLAN, *supra* note 25, at 64-65, 114.

30. See THE CHINATOWN COALITION, THE CHINATOWN COMMUNITY ASSESSMENT REPORT 26 (1994); CHINATOWN COMMUNITY PLAN, *supra* note 25, at 65, 114. See also Andrew Leong, Compilation and Analysis of Garages in and Adjacent to Chinatown (1994) (on file with authors).

31. See MASSACHUSETTS TURNPIKE AUTH., AIR RIGHTS STUDY 52 (1993) [hereinafter MASS. TURNPIKE STUDY].

32. PEDESTRIAN SAFETY TASK FORCE, BOSTON TRANSPORTATION DEPARTMENT, REPORT ON PEDESTRIAN SAFETY 2 (1992) [hereinafter PEDESTRIAN SAFETY REP.].

33. See SULLIVAN & HATCH, *supra* note 4, at 2.

34. See PEDESTRIAN SAFETY REP., *supra* note 32, at 18. The Chinatown Community Plan also states that “the neighborhood is also fragmented and isolated by heavy traffic in its midst or circulating at its borders, while it suffers from a deteriorating environmental quality.” CHINATOWN COMMUNITY PLAN, *supra* note 25, at 64. The BRA promised in the Plan to “[d]iscourage through traffic volume in the commercial core and on residential streets.” *Id.* at 118. Between 1992 and 1995, one child and two senior citizens had already been fatally struck by vehicles in the vicinity of Parcel C. See Gavin Daly, *Girl, 4, Killed Under Wheel of Crane in Boston*, BOSTON GLOBE, June 7, 1985, at 29.

dards.³⁵ With the planned reconstruction of the Central Artery and additional exit ramps near Chinatown, air quality will likely worsen.³⁶

C. *The Explanation: Environmental Injustice*

So, why did urban renewal affect Chinatown³⁷ so adversely? Or, were all similarly situated neighborhoods treated the same? Recall that Chinatown was bound and cut by massive highways. But the Central Artery was not originally planned to run through Chinatown.³⁸ Instead, it was supposed to trace the waterfront, bisecting the Leather district to the east of Chinatown before it snaked along the eastern edge of Chinatown, south of the commercial core. The original plan kept the commercial core of Chinatown undisturbed, taking only the Chinatown housing on Albany Street and Hudson Street. However, plans somehow changed.³⁹

Also, recall how the Plan shifted land from Chinatown to T-NEMC. By contrast, no part of the adjacent Bay Village was taken by eminent domain for T-NEMC's benefit.⁴⁰ In fact, the BRA specifically prohibited T-NEMC from ex-

35. A 1987 monitoring by the Massachusetts Department of Environmental Protection had shown high levels of carbon monoxide at its Essex/Washington Street monitor, in violation of the National Ambient Air Quality standard. See MASSACHUSETTS DEPT. OF PUB. WORKS, FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR CENTRAL ARTERY (I-93)/TUNNEL (I-90) PROJECT, Part 1, Book 2, § 4.4.1(c), at 4-6, table 4.11 (1990) [hereinafter CENTRAL ARTERY (I-93)/TUNNEL (I-90) PROJECT]. For more detailed analysis, see DOUG BRUGGE, COALITION TO PROTECT CHINATOWN, AN ANALYSIS OF THE IMPACT OF TRAFFIC ON AIR POLLUTION AND SAFETY IN BOSTON CHINATOWN 15-30 (1998).

36. The reconstruction of the Central Artery, popularly known as the "Big Dig" project, when completed, will depress the elevated roadways near the downtown area and connect up with a new tunnel leading to the airport. In the Final Supplemental Environmental Impact Report on the Central Artery, carbon monoxide levels in a site adjacent to Chinatown were estimated at eight different locations. These carbon monoxide levels were some of the highest in the City of Boston. At five out of the eight locations, carbon monoxide levels exceeded the eight-hour limit established by the EPA. CENTRAL ARTERY (I-93)/TUNNEL (I-90) PROJECT, *supra* note 36, at 4-6.

37. The part of Chinatown that has not been as affected is the commercial business district. This district has been in many ways "sacred" since the mid-1970s, when portions of it were declared historical districts. It has remained virtually untouched by the NEMC expansion. One reason for this contrast is that many of the larger business owners wield considerable power within Chinatown and have substantial influence with the city government. Unfortunately, because many of these business people do not live in Chinatown, they have not used their influence to assist the residential district of Chinatown.

38. See, e.g., THOMAS H. O'CONNOR, BUILDING A NEW BOSTON: POLITICS AND URBAN RENEWAL 1950-1970, at 83-84 (1993) (referring to the Master Highway Plan for the 1948 Boston Metropolitan Area, prepared for the Joint Board for the Metropolitan Master Highway Plan).

39. The vehement protests from the powerful leather and garment industries adjacent to Chinatown prompted the Boston City Council to enjoin the Central Artery planned takings. See, e.g., *Council Opposes Artery Route in Chinatown*, BOSTON DAILY GLOBE, Oct. 19, 1953, at 1; *Garment Area Issue Taken to Herter's Home*, BOSTON DAILY GLOBE, Oct. 27, 1953, at 1. The final plan for the Central Artery would move westward, cutting into Chinatown, taking half of the newly built On Leong Chinese Merchants Association Building for the Surface Artery and Central Artery Tunnel, in addition to tearing down the housing on Albany Street and Hudson Street. Despite protests from Chinatown merchants and residents, the state highway department proceeded with the plans. See THE BOSTON 200 CORP., BOSTON 200 NEIGHBORHOOD HISTORY SERIES CHINATOWN, 12 (1976). See also Susan Wilson, *In Chinatown, a Landmark Saved: State-Neighborhood Compromise Rerouted a Road, Halved a Building*, BOSTON GLOBE, Oct. 22, 1995, at 11.

40. To prevent T-NEMC from expanding into the Bay Village, the BRA promised T-NEMC three acres of land for their expansion within the Chinatown portion of the Plan (parcels P-2 to P-11). In implementing the Plan, approximately 585 households were displaced. See RERC *supra* note 14, at 195-96. In a survey of 410 households slated to be displaced, 234 were Chinese, and only 167 were White. Among the Chinese households, 57 percent were families compared to 30 percent for Whites. Seventy-eight percent of the Chinese families had children, compared to 47 percent among the White families. See WALTER L. SMART, BOSTON REDEV. AUTH., FAMILY RELOCATION DEPT., DIAGNOSTIC REP. OF RESIDENTS TO BE RELOCATED, SOUTH COVE URBAN RENEWAL PROJECT 6-10 (Oct. 1967). Overall, at least 1,000 Chinese residents were displaced by the Plan, at more than twice the rate of displacement for Whites.

panding into Bay Village under the Plan.⁴¹ Worse, the City encouraged rehabilitation in Bay Village by making available federally funded low-interest loans⁴² without offering similar opportunities to Chinatown.⁴³

Why was Chinatown treated worse than Bay Village? The BRA believed Bay Village to be quaint and well-kept but Chinatown to be dilapidated and run-down⁴⁴ — even though the housing stock in the two neighborhoods were quite similar. Official documents also reveal that the BRA thought that Chinese Americans, as a “model minority,”⁴⁵ would not really suffer. They were seen as “self-sustaining,” gainfully employed, off welfare, relatively healthy, and with more male-headed households than Whites.⁴⁶ These sweeping generalizations echo the stock stereo-

Among the structures demolished or planned to be demolished under the Plan, no residential property was proposed for acquisition in Bay Village. The only Bay Village structures cleared under the Plan were found on Tremont Street “containing unusual concentration of barrooms and other incompatible commercial uses.” By contrast, at least 45 building structures in the Chinatown section of the Plan were cleared, which included two commercial properties in Chinatown, which were not sub-standard. The parts where Chinese had established residence actually were larger than the area labeled “Chinatown” under the South Cove Urban Renewal Plan. The number of buildings slated for demolition in the Plan, where there was significant Chinese presence, would total over 150 buildings. See BOSTON REDEV. AUTH., APPLICATION FOR LOAN AND GRANT, PART I: FINAL PROJECT REPORT, PROJECT NO.: MASS. R-92, SOUTH COVE URBAN RENEWAL AREA, § 6(A), at 2–3.

41. See STANTON, *supra* note 8, at 70.

42. Substantial rehabilitation efforts had been under way before the implementation of the South Cove Urban Renewal Plan, but these private efforts were further fueled by the federal low interest loans made available under the South Cove Urban Renewal Plan. See, e.g., BOSTON REDEVELOPMENT AUTH., SOUTH COVE/CHINATOWN: BACKGROUND INFORMATION, PLANNING ISSUES AND PRELIMINARY NEIGHBORHOOD IMPROVEMENT STRATEGIES 6 (1975). See also, RERC *supra* note 14, at 196; STANTON, *supra* note 8, at 10.

43. “The BRA has been reluctant to give much assistance until new subsidized housing now under construction is completed as many of the present Chinese occupants cannot afford the cost of rehabilitation.” STANTON, *supra* note 8, at 11; BOSTON REDEVELOPMENT AUTH., CHINATOWN-SOUTH COVE DISTRICT PROFILE AND PROPOSED 1979–1981 NEIGHBORHOOD IMPROVEMENT PROGRAM 26 (1979).

44. Another example of the disparate treatment between Bay Village and Chinatown was how the Plan handled traffic patterns in each neighborhood. The Plan specifically called for retaining the intimate character of Bay Village by blocking off outside traffic and orienting new construction away from major streets of Bay Village. On the other hand, similar street pattern in the Plan area outside of Bay Village were deemed wasteful, dangerous, and incompatible for commercial, industrial, and institutional use. See BOSTON REDEV. AUTH., INFORMATION ON THE PROPOSED SOUTH COVE URBAN RENEWAL PROJECT AND ON THE BAY VILLAGE COMMUNITY 1–2 (1965). See also BOSTON REDEV. AUTH., BACK BAY-BEACON HILL-BAY VILLAGE: DISTRICT PROFILE AND PROPOSED 1979–1981 NEIGHBORHOOD IMPROVEMENT PROGRAM 8, 12, 14, 25 (1979); BOSTON REDEV. AUTH., APPLICATION FOR LOAN AND GRANT, PART I: FINAL PROJECT REPORT, PROJECT NO.: MASS. R-92, SOUTH COVE URBAN RENEWAL AREA, § 6(b), at 1–2; BOSTON REDEV. AUTH., TUFTS-NEW ENG. MED. CTR., COOPERATION AGREEMENT, II(C) (Jan. 17, 1966) (on file with author).

45. The BRA thought that Chinese Americans would not complain about the different treatment because they were “reticent,” “close-knit,” and “self-contained.” See, e.g., RERC, *supra* note 14, at 185; SMART, *supra* note 40, at 12. This is the stereotype held by many Americans that Asians are over achievers and that they have a higher educational and economic status than whites (or at least better off than other groups of color, such as African Americans or Latinos). This stereotype characterizes Asians as studious, passive, submissive, hardworking, excelling in math and science, and having a strong family structure. For more on the model minority myth, see Pat K. Chew, *Asian Americans: The “Reticent” Minority and Their Paradoxes*, 36 WM. & MARY L. REV. 1 (1994); Gabriel Chin et. al., *Beyond Self-Interest: Asian Pacific Americans Towards a Community of Justice, a Policy Analysis of Affirmative Action*, 4 UCLA ASIAN PAC. AM. L.J. 129 (1996); Frank H. Wu, *Neither Black nor White: Asian Americans and Affirmative Action*, 15 B.C. THIRD WORLD L.J. 225 (1995).

46. This demonstrated the BRA’s ignorance about the Chinese immigrant community. Up until 1965, the U.S. immigration policies had reduced Chinese immigrant communities into bachelor enclaves. Chinese men were either unable to marry or unable to reunite with their spouse and children. Under this circumstance, it would be unsurprising to find there were more bachelor households in the 1960’s Chinatown when BRA implemented the Plan. See BILL ONG HING, MAKING AND REMAKING ASIAN AMERICA THROUGH IMMIGRATION POLICY, 1850–1990 (1993); RONALD TAKAKI, STRANGERS FROM A DIFFERENT SHORE: A HISTORY OF ASIAN AMERICANS (2d ed. 1998); BILL TAMAYO, *Asian Americans & Present U.S. Immigration*

types of Chinese as people who can and will endure great suffering, in silence, simply "taking care of themselves."⁴⁷

Finally, recall how adult businesses were specifically zoned next to Chinatown. Notwithstanding numerous complaints about the well-established "secondary effects," such as prostitution, drugs, and violence associated with such businesses, Boston officials did nothing. They retorted that "the police have more important things to do than to 'cover the Combat Zone like a tent.'"⁴⁸ The City recognized that coming down too hard on the Combat Zone would force X-rated businesses elsewhere. This, the City would not tolerate. The City's primary aim in dealing with obscenity was to prevent the adult bookstores and similar enterprises from entering residential areas in the City.⁴⁹ The City's counsel specifically mentioned protecting Back Bay and Beacon Hill. Apparently, Chinatown did not count as a residential neighborhood, even though thousands of Chinese Americans called it home.⁵⁰

Since the 1950s, Chinatown has been forced to bear a disproportionate burden of the costs of urban renewal and highway construction. Its environment and its residents have suffered greatly while nearby neighborhoods and institutions have been either left untouched or have profited directly from the land stripped from Chinatown. The City of Boston was willing to sacrifice Chinatown to benefit others. It viewed Chinatown's residents as politically docile and especially well suited to survive in a denigrated environment.

III. THE PARCEL C STRUGGLE

A. *The History of Parcel C*

Parcel C is a piece of city-owned land, approximately 25,000 square feet, bounded by Oak Street, Ash Street, Nassau Street, and May Place. It is one of the last open Chinatown lots zoned for residential use. NEMC uses three small buildings on the northern edge (Nassau Street) of Parcel C as offices. Much of the space on Parcel C serves as a surface parking lot for NEMC patient and staff. The southeastern edge of Parcel C (Oak Street) borders the Acorn Day Care Center operated by a Chinatown nonprofit agency. The Acorn Day Care Center building serves as an adult education facility at night. Parcel C is within forty feet of a new family housing development and one block from an elementary school, elderly housing, and another low-income housing development.⁵¹ [See Figures 2, 3 and Photo 1 in Appendix.]

Policies: A Legacy of Asian Exclusion, in *ASIAN AMERICANS AND THE SUPREME COURT* (Hyung-chan Kim ed., 1993).

47. These were the exact words used by the BRA in the South Cove Urban Renewal Project planning documents regarding Chinatown. See RERC, *supra* note 14 at 185; see also SMART, *supra* note 40, at 15.

48. See Jordan, *In the 'Zone,' supra* note 20, at 27.

49. See *supra* Part II.(A)(3).

50. The BRA was proud of its innovation, stating that it believed "it is the first time an American city has zoned to allow adult entertainment in one specific part of the city." Jordan, *Board OKs Zone, supra* note 20, at 1, BOSTON GLOBE, Evening Edition, Nov. 14, 1974, at 1. Twenty years after the BRA relocated the Combat Zone next to Chinatown, a newspaper commentator noted that the news media failed to recognize the presence of this Asian American community throughout the tens years during which the move was debated. See Adrian Walker, *The Fight for Chinatown: Its Long-Overlooked Residents May Be the Ultimate Winners*, BOSTON GLOBE, Oct. 23, 1994, at A3 ("The fact that a community lived there [in Chinatown] seems hardly to have registered in the public consciousness. In well over 100 *Boston Globe* stories on the area from 1960s and early 1970s, there is *not one mention* of the Asian community.") (Italics in original).

51. Within 100 feet of Parcel C are the Josiah Quincy Elementary School, the South Cove Community Health Center, the Quincy School Community Council (now known as the Boston Chinatown Neighbor-

Once home to Chinatown residents,⁵² the land that constitutes Parcel C was cleared of residential structures in the late 1950s to early 1960s during the planning for, and implementation of, urban renewal. The 1965 Plan designated this area for urban renewal, but it was left undeveloped for thirty years, partly because no proposal was acceptable to the community.⁵³ In 1986, NEMC proposed to build an 850-car garage on the property. For once, the BRA recognized Chinatown's need for more housing and community facilities and rejected this proposal. The BRA's decision to designate a community agency to redevelop the Acorn Day Care Center building spawned litigation between BRA and NEMC. The complex settlement of the lawsuit gave official birth to Parcel C. In the end, both the BRA and NEMC promised to preserve Parcel C for a new community center.⁵⁴

To address long-standing development conflicts, NEMC and Chinatown each produced a ten-year master plan in 1990, which unequivocally confirmed that Parcel C would be reserved for the community.⁵⁵ The BRA approved the plans and also zoned Parcel C as residential property, forbidding all institutional uses.⁵⁶ Unbelievably, less than three years later, NEMC submitted to BRA a proposal to acquire Parcel C to build an 8-story, 455-car garage. In exchange, NEMC would pay BRA \$2 million, as well as build a 10,000 square foot community center or pay \$1.8 million in community benefits to the Chinatown Neighborhood Council ("CNC").⁵⁷ Reneging on its promise, BRA heartily endorsed this plan.

On May 17, 1993, with BRA's backing and assistance, NEMC presented its Parcel C garage proposal to the CNC. Despite the vocal opposition of over 100

hood Center), Quincy Towers (a 161-unit elderly and disabled housing), Tai Tung Village (which has 214 units of family housing), and the Boston Asian Youth Essential Services.

52. See SUFFOLK COUNTY DEED, BOOK 8072, at 276-88; SUFFOLK COUNTY DEED, BOOK 8094, at 639-47.

53. Proposals included building a Service and Supply Center, an office building atop a garage or a large 850-car garage. NEW ENG. MED. CTR. HOSP., INC., DRAFT ENVIRONMENTAL IMPACT REPORT FOR NEW ENGLAND MEDICAL CENTER PARCEL C GARAGE, at 1-13, 1-17 to 1-20 (Feb. 28, 1994).

54. In 1988, NEMC sued to enjoin the BRA from designating the Quincy School Community Council as the developer of the Acorn Day Care Center building located on the southern edge of Parcel C. The Suffolk Superior Court rejected NEMC's bid for a permanent injunction. NEMC proceeded to settle the lawsuit with BRA by agreeing to swap the parcels it owned on Parcel C with the BRA-owned Parcels 4a and 4b, thus allowing it to develop its two-building maternity ward in 1992. To "reward" the Chinatown community's support of the land swap and the NEMC development, BRA financed and incorporated the Chinatown Community Center, Inc. ("CCC") to plan for the community center. Six organizations were represented in the CCC: the Asian American Civic Association, the Asian American Resource Workshop ("AARW"), Chinatown Boys and Girls Club, Chinese Progressive Association ("CPA"), South Cove Community Health Center and the South Cove YMCA. The CCC ran a design competition and selected a design that envisioned a 50,000 square foot center. The community center development stalled as a result of the economic downturn of the early 1990s. In late 1992 to early 1993, CCC contemplated a joint venture with NEMC, but when NEMC offered to buy Parcel C outright for a 455-car garage in exchange for either a tiny 10,000 square foot community center or \$1.8 million, CCC balked.

55. See NEW ENG. MED. CTR., *supra* note 14, at 5-9. See generally CHINATOWN COMMUNITY PLAN, *supra* note 25, at c.v, §§ C-D, 50-70. NEMC's Master Plan affirmed the status of Parcel C as a community center no less than eleven times.

56. The amended zoning created a separate zone for Chinatown, which established stricter zoning requirements. See generally BOSTON, MASS., ZONING ORDINANCE art. 43 (1990). Article 43 was adopted as part of the master planning process. This Article, for the first time, established different uses within Chinatown, clearly delineating residential and institutional districts. See *id.*

57. The Neighborhood Councils were created in 1986 while Raymond Flynn was mayor. Flynn created these representative groups in the sixteen neighborhoods of Boston to serve as his advisors on community issues. The first Chinatown Neighborhood Council ("CNC") members were appointed to serve two-year terms and represented the full political spectrum. They also represented resident, business, agency and organization sectors of Chinatown. See *infra* note 99, for additional discussion about the CNC.

community members⁵⁸ in attendance, the CNC approved NEMC's proposal. BRA characterized this as unequivocal "community approval" of the NEMC project.⁵⁹ BRA then swiftly designated NEMC as the developer of Parcel C at a public hearing on June 10, 1993. The day before the hearing, over 250 community members protested outside NEMC. At the hearing, the BRA was presented with a petition containing more than 2,500 signatures opposing the deal. Despite this overwhelming opposition, the BRA gave NEMC "tentative designation" to develop the Parcel C garage.⁶⁰

After the hearing, community activists and residents formed the "Coalition to Protect Parcel C for Chinatown" ("the Coalition").⁶¹

B. *The Coalition: Organizational Structure*

The Coalition's short-term goal was to defeat the garage proposal at all cost. Its long-term goal was to democratize community decision-making by challenging the legitimacy of self-proclaimed Chinatown elites, such as the CNC, whom the City conveniently but unjustifiably dubbed as the "voice" of Chinatown.⁶² Drawing upon lessons from previous struggles,⁶³ the Coalition created seven task-oriented committees:

58. The community members who attended this meeting to oppose the garage included Chinatown residents, staff, and board members of various community-based organizations and social service agencies, parents of Quincy Elementary School pupils and Acorn Day Care children, students of adult education programs, users of Chinatown services, and professionals who either worked in Chinatown or with Chinatown residents or agencies. The term "community" in this article generally refers to these classes of individuals and other Asian Pacific Americans and groups that supported the Coalition in its opposition to the proposed NEMC garage. These included certain Asian Pacific American student groups in the Boston area colleges and high schools, tenant associations, members of the AARW, and other progressive Asian American groups.

59. Betsy Q.M. Tong, *N.E. Medical Garage Still on Table: Despite Protest, Officials Say Approval of Plan Probable*, BOSTON SUNDAY GLOBE, June 13, 1993, (City Weekly Magazine), at 10 ("Both BRA director Paul L. Barrett and medical center general counsel Larry Smith insist they have Chinatown's backing on the garage. Their opinion is based on a controversial 12-2 vote last month by the Chinatown Neighborhood Council to support the plan.").

60. See Marie Gendron, *BRA OKs Plans for Chinatown Garage*, BOSTON HERALD, June 11, 1993, at 29.

61. It was comprised of 21 community groups and hundreds of individuals, including key members of the CCC.

62. See *infra* note 99, on the history of the Chinatown Neighborhood Council. Before the formation of the Chinatown Neighborhood Council, the Chinese Consolidated Benevolent Association ("CCBA") was looked upon as the Chinatown community's representative. CCBA was the successor to the Six Companies, formed in the 1860s as a mutual aid organization, headed by merchants. The Six Companies made loans, settled inter-district dispute, and served as liaison to the mainstream society. Different chapters of CCBA sprang up throughout all the Chinatowns in the United States. See LYNN PAN, *SONS OF THE YELLOW EMPEROR: THE STORY OF THE OVERSEAS CHINESE* 43-55 (1996); TAKAKI, *supra* note 46, at 79-131. The Boston CCBA is a branch of the New York organization. It "functions as a legislative policy-making group and has generally served as the main spokesman for all factions of the community." SULLIVAN & HATCH, *supra* note 4, at 74. The city officials, especially during the implementation of the South Cove Urban Renewal Plan generally recognized this representation power. See *id.*, at 21-23; see also RERC, *supra* note 14, at 184-85. The Chinese immigrants of the 1960s and the college-educated American-born Chinese Americans came to believe that the CCBA way of handling Chinatown affairs could no longer serve the community's emerging needs. Thus, they formed new service-oriented, progressive organizations challenging CCBA's hegemony. See SULLIVAN & HATCH, *supra* note 4, at 74-82.

63. In the decade preceding this Parcel C struggle, grassroots organizations had waged several successful and highly visible campaigns to protect civil rights, workers rights and to exert community control:

- Civil rights — The community organized in 1985 to seek justice for Long Guang Huang, a man whom the police had brutally beaten after mistaking him for soliciting a prostitute. After three months of community outcry, the 56-year-old Huang was acquitted of all criminal charges, and won an \$85,000 settlement on his civil rights lawsuit against the Boston Police Department. See UNITED PRESS INT'L,

1. *Steering Committee.* Composed of Chinatown residents and organizational representatives⁶⁴ selected through an open community meeting by consensus of the attendees, the Steering Committee made the Coalition's day-to-day decisions, such as authorizing budgets and expenses, mapping overall strategy, and presenting issues and options to be approved at community meetings. It developed four main strategies for the Parcel C struggle: (1) persuade hospital and city officials to withdraw the garage proposal; (2) organize the community to support any necessary legal action; (3) alert potential supporters within and outside Chinatown about the Parcel C fight; and (4) develop alternate plans for Parcel C.

2. *Community Organizing Committee.* Led by the Chinese Progressive Association⁶⁵ and the Asian American Resource Workshop,⁶⁶ the former focused on organizing Chinese-speaking (Cantonese-, Mandarin-, and Toisanese-speaking) residents and the latter on organizing the English-speaking Asian American community, especially college students.⁶⁷ The Committee developed a three-fold strategy: (1)

May 4, 1985; UNITED PRESS INT'L, July 9, 1985; UNITED PRESS INT'L, Aug. 21, 1985; UNITED PRESS INT'L, Aug. 23, 1985; UNITED PRESS INT'L, Aug. 24, 1985; *Detective in Boston Suspended over Arrest*, N.Y. TIMES, Sept. 8, 1985, at 26; UNITED PRESS INT'L, July 15, 1989.

- Workers' rights — Led by the Chinese Progressive Association, a group of laid-off garment workers and their supporters organized for 18 months to win their right to bilingual re-training. The Chinese Progressive Association produced a video entitled "Through Strength and Struggle" to document the movement. This community campaign, later known as the "P & L Struggle", named after one of the garment factories, gave birth to the Chinese Progressive Association's Worker Center.
- Community control — In 1986, continuing with a long history of opposition to Tufts and NEMC's expansion in Chinatown, the community initiated an organized opposition to NEMC's proposed 850-car garage on Parcel C and its adjacent parcel. See Peter Bagley, *NEMC Car Garage is Rejected by No Vote in Neighborhood Council*, SAMPAN, Feb. 20, 1987, at 1. The following year, Chinatown again organized to oppose St. Margaret's Hospital's merger with NEMC in Chinatown. See Peter Bagley, *St. Margaret's Hospital Unveils Proposal for Chinatown Move*, SAMPAN, Aug. 5, 1987, at 1; Robert O'Malley, *St. Margaret's Withdraws Plans to Move Facilities to Chinatown*, SAMPAN, Mar. 2, 1988, at 1. In 1988, the community mobilized to block NEMC's challenge to Quincy School Community Council's ownership of community buildings. See Robert O'Malley, *Future of Oak Street Building Still Uncertain: BRA and NEMC Will Meet in Effort to Resolve Suit*, SAMPAN, July 20, 1988, at 1; Robert O'Malley, *Quincy Council Finally Gains Oak Street Buildings*, SAMPAN, Jan. 4, 1989, at 1; Robert O'Malley, *NEMC Files Suit to Take Oak Street Building: Mayor and BRA Back Chinatown*, SAMPAN, July 6, 1988, at 1; Diego Ribadeneira, *BRA Wins Land Dispute with N.E. Medical Center*, BOSTON GLOBE, Nov. 23, 1988, at 32.

64. The Steering Committee had representatives from the Chinese Progressive Association (chair), the South Cove Community Health Center (fiscal agent), Quincy School Community Council (alternate fiscal agent), Asian American Resource Workshop (treasurer) and the Chinese Consolidated Benevolent Association. The resident representatives came from two major housing developments with close proximity to Parcel C (Tai Tung Village and Quincy Tower) and Oak Street residents living across from the proposed garage.

65. The CPA, founded in 1977 by a group of Chinese immigrant workers, young activists, and business persons, works to attain full equality and empowerment of the Chinese community in the Boston area. Its steering committee consists of mostly Chinese-speaking (Cantonese, Mandarin, and Toisanese) workers or retirees. CPA was one of the first Chinatown-based organizations to recognize the need to work with government representatives of the Peoples' Republic of China, so as to facilitate the mainland Chinese immigrants' access to the Chinese government in securing documents and obtaining information. Since its inception, it has been involved with the various land use battles in Chinatown against the medical institutions. CPA also specializes in workers' rights and labor organizing.

66. Established in 1979 by community activists, educators, and students, the AARW seeks to empower the Asian Pacific American community. It provides art and cultural activities, monitors media portrayal of Asian Pacific Americans, initiates a Neighborhood Information Network Project, produces the Massachusetts APA directory, and houses the Safety Net project that provides advocacy and support to victims of anti-Asian violence. The AARW specializes in the use of mass media and information technology in community-building.

67. Other important players included the Boston Chinatown Neighborhood Council (then Quincy School Community Council) and South Cove Community Health Center. The former is Chinatown's largest social service agency, which provides English as a Second Language classes, day care, after-school programs, and a youth center. The Boston Chinatown Neighborhood Center had the most at stake because its

educate the community about the garage proposal; (2) publicize the history of Parcel C and its significance to the community's long-term survival; and (3) convince the community that it can make a difference by voicing its opinion. [*See Photos 4 and 5 in Appendix.*]

3. *Legal Committee.* A new entity that did not exist in previous community struggles in Boston Chinatown, this committee was comprised of legal services lawyers, law students,⁶⁸ and college students. Its goal was to strengthen the community's position without reframing the community's struggle in narrow legal terms, which is what typically happens when high-powered law firms provide pro bono assistance. The three attorneys on the Committee were either current or former staff attorneys of Greater Boston Legal Services ("GBLS").⁶⁹ None of the members of the Legal Committee had substantial experience in land use, environmental, or civil rights law beyond their coursework in law school. Originally, the Legal Committee intended to serve for a temporary period, until another entity with more expertise could be found. However, the Legal Committee could only find reduced fee representation for one aspect of the struggle — the *city* review process.⁷⁰ Thus, the Legal Committee was thrust into the position of primary legal counsel for the Coalition to handle the *state* environmental review and any potential civil rights claims that arose.

4. *Political Mobilization Committee.* This committee sought to secure from mayoral candidates⁷¹ public statements against the garage.⁷² It made the future of Parcel C the rallying point for a Chinatown voter registration drive.

5. *Media Committee.* The Asian American Resource Workshop led the Coalition's Media Committee because it had substantial expertise and media connec-

building would have been destroyed for the garage. The South Cove Community Health Center is the major health clinic for non-English speaking Asian Americans in the area. It was an important site for distributing information about community organizing activities. Neither organization, however, was actively involved in setting strategy.

68. The law students included community activists who chose to attend law school after participating in earlier community struggles. For example, two of the key law students were veteran community activists from earlier Chinatown struggles. The P & L struggle inducted Man Chak Ng and Cynthia Mark into community activism in mid-1980s. They both decided to enter law school after their organizing experiences in community control and workers rights. See Cynthia Mark, *Trying to Make a Difference: Students Rally for Chinese-American Garment Workers*, GIDRA, 1990, at 105; Man Chak Ng, *P&L Garment Workers' Struggle in Boston Chinatown*, GIDRA, 1990, at 105.

69. They are the authors of this article. At the time, Leong was a former employee of GBLS, and Lai and Wu were staff members of GBLS. Most of the law students and college students were either interns or former interns at GBLS. They all operated under the auspices of GBLS. The lack of expertise in these areas of law proved less of a concern to the Legal Committee members than to GBLS, which was asked to accept this case. Although GBLS had significant experience in civil rights litigation, such a lawsuit was not immediately apparent at the early stage of the Parcel C struggle. Immediately needed, instead, was expertise in the environmental review process, zoning law, and general permitting process, which GBLS lacked.

70. The NEMC Parcel C garage proposal had to undergo both the state environmental review under the Massachusetts Environmental Policy Act ("MEPA") and the city project ("BRA") review processes. At the time, a pro bono law firm agreed to represent the Coalition on the BRA project review process, for which the Coalition signed a \$2,500 retainer. The cost of the representation prohibited the Coalition from retaining this firm on the other matters. However, because the two agencies adopted a joint review process, the outcome of the MEPA review influenced the direction of the city's review process, and the BRA review never moved beyond the initial tentative designation process in the Parcel C struggle. See *infra* note 83.

71. The former mayor, Raymond Flynn, was appointed United States Envoy to the Vatican in early 1993. The acting mayor, Thomas Menino, faced several viable challengers.

72. By August 1993, a month before the primary, three of the seven candidates publicly stated their opposition to the garage; the others hid behind excuses of needing more information or wanting to mediate differences. See Robert O'Malley, *Mayoral Candidates Discuss Chinatown*, SAMPAN, Aug. 20, 1993, at 1.

tions. It organized press conferences to publicize the Coalition's activities,⁷³ coordinated letters to the editors and op-ed pieces, and collaborated with Health Care for All,⁷⁴ which targeted NEMC for its lack of community accountability and incessant expansion at the expense of Chinatown. This committee's work helped ensure the struggle's continuing visibility in the media.⁷⁵

6. *External Outreach Committee.* Established to develop an external support network for the Coalition, this committee was comprised of professionals from the health care, union, and environmental health sectors. It framed the Parcel C struggle as a community control and survival issue.⁷⁶ It identified other Boston neighborhoods similarly besieged by unwanted developments.⁷⁷ The goal was to form alliances with other neighborhood organizations to apply collective pressure on City Hall to respect local community wishes. Committee members also utilized their professional connections and brought in mainstream environmental justice and health groups⁷⁸ to support the Coalition in the environmental review process. Their support helped propel the Parcel C struggle into the mainstream, making it an important example of the burgeoning environmental justice movement.

7. *Fundraising Committee.* Led by Coalition members with connections to private foundations,⁷⁹ this committee raised emergency operating funds to supplement the time donated by member organizations. In addition to gathering outside financial support, the Coalition also realized that the community itself had to contribute financially. Not only would this raise additional funds, it would also raise awareness of the Parcel C struggle and encourage community ownership of the issue. To that end, the Fundraising Committee organized a fundraising variety show, collecting small donations and admission fees. It also took advantage of community-wide celebrations such as the August Moon and Dragon Boat Festivals to raise money through t-shirt and button sales.

73. These activities included advancing press releases to gain media coverage of the various rallies, coordinating demonstration with Health Care For All ("HCFA"), and outreaching at community-wide events. The committee ensured that press coverage of events around the Parcel C struggle would produce in-depth analysis and not merely pictures and captions in the newspapers.

74. HCFA is a coalition of unions, senior groups, religious organizations, community health centers, professional organizations, and human service agencies. It is a non-profit consumer health group dedicated to ensuring equal access to health care. At the time, HCFA launched a statewide campaign seeking to impose a moratorium on hospital expansion and increase hospitals' accountability to the community.

75. A total of 75 articles, letters to the editors, and editorial pieces were published in Chinese and English newspapers such as the *World Journal* (Chinese), the *Boston Globe*, and *Boston Herald*, in addition to extensive television news coverage during the 18-month struggle.

76. The Coalition recognized that the Parcel C struggle was unlike previous struggles to preserve civil rights and workers rights where other communities of color would readily identify with the cause. The Parcel C struggle, without more, could be looked upon as a local issue and would not evoke ready support from other communities. By framing the Parcel C campaign as a community control issue, other neighborhoods in a similar struggle for survival lent their support.

77. These neighborhoods included the South Bay anti-asphalt plant group, the anti-Boston College Stadium expansion group in Allston-Brighton, the West Roxbury group fighting the siting of a Home Depot in their neighborhood, and the Fenway/Mission Hill neighborhood groups that had dealt with similar hospital expansion in their community.

78. These groups included the Environmental Diversity Forum, American Heart Association, Conservation Law Foundation, Sierra Club, Audubon Society, American Lung Association, Health Care For All, and Boston University School of Public Health.

79. These included local foundations such as the Haymarket People's Fund that supported community organizing and the Boston Foundation whose Vision Fund supported community groups in their strategic planning processes. Others such as the Hyams Foundation and the Boston Globe Foundation, that had in the past supported various community initiatives in Boston Chinatown, were also solicited for support.

C. *Central Principles*

The core principle of the Parcel C struggle was to ensure democratic decision-making in Boston Chinatown by application of both conventional and innovative community organizing techniques.

1. *Democracy.* The first principle of the Parcel C struggle was democratic participation: let the people decide. Actual residents of Chinatown, not self-proclaimed community "leaders" cutting self-interested deals with NEMC and City Hall, should decide whether a garage should be built on Parcel C. To get all residents involved, the Coalition conducted all meetings, demonstrations, and rallies multilingually in both English and Chinese (Cantonese, Mandarin, and Toisanese).⁸⁰ Community interpreters⁸¹ served at public meetings, negotiations, media interviews, and speak-out sessions so that all residents could participate regardless of their English ability. Also, the community was asked to approve all major Coalition decisions in public meetings.

2. *Pragmatism.* The second principle of the Parcel C struggle was pragmatism: do whatever works. Instead of focusing on purely legal remedies, the Coalition organized the community and exerted political pressure as well. Even in terms of politics, the Coalition went beyond conventional strategies. To be sure, the Coalition engaged in conventional, highly visible, and strategically-timed activities such as petition circulations, rallies, demonstrations, and picketing. The Coalition also continuously updated the community through regular newsletters and community meetings.⁸² But the Coalition also tried unconventional tactics as well, such as holding a full-blown community referendum on the Parcel C issue and taking over Parcel C for the one-day community Recreation Day. [See Photos 2 and 6 in Appendix.]

D. *The Campaign: Putting Principles into Practice*

The Parcel C struggle officially unfolded after the June 10, 1993 BRA hearing, which gave a tentative green light for garage construction. In the next eighteen months, the Coalition launched a relentless organizing campaign. Throughout this period, members of the Legal Committee served on the Coalition's various subcommittees to help strategize, interpret, raise emergency funds, outreach to the community and organize activities, in addition to performing legal work. Below is a brief chronology of the Parcel C struggle and the Coalition's efforts to that end:

August 1993: Requiring Full Environmental Review

As part of its building proposal, NEMC was required under state law to file an environmental notification form ("ENF") with the state's Secretary of Environmental Affairs.⁸³ This provided the first opportunity for the Legal Committee to inter-

80. Meetings were conducted in either (1) English and Chinese (Cantonese and Toisanese) or (2) volunteers interpreted the entire meeting in Chinese or English to the linguistic minority of members present. The Coalition published all its literature, including leaflets, newsletters, and referendum questions in both English and Chinese.

81. The Legal Committee's bilingual attorneys and law students constituted the bulk of the available interpreters for community residents at community meetings, public hearings, and meetings with the BRA and the mayor.

82. These community meetings were forums for information exchange, discussion, and decision-making. Meetings with government officials were reported, participation in public hearings planned, and strategies were presented and adopted.

83. This development review process is governed by the Massachusetts Environmental Policy Act, here referred to as the "MEPA review." See MASS. GEN. LAWS ch. 30, §§ 60-60H (1995). After the filing of the

vene. Familiarizing itself quickly with complicated environmental law, the Legal Committee filed written comments with the state agency and demanded a full environmental review.⁸⁴

Before the Office of Environmental Affairs issued its decision, it held a public hearing on August 31, 1993. At the three-hour hearing, the Coalition presented over twenty oral testimonies and written comments⁸⁵ addressing the topics of public health, safety, traffic, environmental justice, institutional expansion history, historical and cultural preservation, and alternative land use and design. The Coalition prepared by:

- identifying key spokespersons among residents and community-based organizations;
- organizing and focused written comments and testimonies;
- garnering the support of mainstream environmental and health organizations that offered expert scientific opinions; and
- collecting new data through a community traffic study.⁸⁶

The Coalition's forceful presentation convinced the Massachusetts Executive Office of Environmental Affairs to require NEMC to undergo a full environmental impact review.⁸⁷ This was the first big success of the Coalition. At the very least, this bought the Coalition some time.

Environmental Notification Form/Project Notification Form, the public has 20 days to submit comments. See MASS. REGS. CODE tit. 301 § 11.01(4) (1995). In addition to the state review process, the Parcel C garage proposal also needed to undergo BRA project review. The Boston city ordinance governing such review provides for coordinated review with the state agency. BOSTON, MASS., ORDINANCE art. 80, § 6 (1996). In the case of the NEMC garage proposal, the BRA process never progressed beyond the June 1993 tentative designation.

84. In helping the community negotiate the various legal proceedings and processes, the Legal Committee reiterated to the community that the environmental process alone could not stop the garage. Instead, it could only ensure that NEMC go through rigorous, expensive and time-consuming study and review. While attacking the garage by utilizing the state environmental review law, the Legal Committee also closely monitored any public hearings concerning the Parking Freeze waiver, zoning amendments, master plan amendments and the city's project review. It also created liaisons with environmental law experts such as the Conservation Law Foundation and contemplated a joint legal action in conjunction with other communities burdened by unwanted garages.

85. The August 31, 1993, public hearing followed the conclusion of the 20-day comment period. The Legal Committee helped identify and organize a team to testify in opposition to the proposed garage. Individuals who testified for the Coalition included the Coalition's chair, the executive director of the Quincy School Community Council, Chinatown residents representing the youth, family and elderly segments of the community, the South Cove Community Health Center, an environmental health expert, Healthcare for All, the Boston branch of the Sierra Club, Environmental Diversity Forum, Massachusetts Department of Environmental Protection, the Boston branch of the American Lung Association, the Coalition's architect, and the Boston Landmarks Commission.

86. Chinatown youths were organized to manually count and chart traffic at key intersections most likely to be affected by the NEMC garage. The study showed that the NEMC transportation study inaccurately predicted the rush hour time in the community, counted only half, and in some instances, one-third of the actual automobile trips at the four major intersections most affected by the proposed garage, and totally omitted the traffic impact of the impending construction of the Central Artery/Tunnel Project. See Letter from Chi Chi Wu and Zenobia Lai, Attorneys, Greater Boston Legal Services, to Trudy Cox, MEPA Unit, Secretary of Environmental Affairs, Attachment H (Aug. 25, 1993) (on file with authors). Although not scientifically rigorous, this community-collected data helped cast serious doubt on the overall validity of NEMC's project impact report.

87. See Marie Gendron, *Chinatown Residents Decry Garage*, BOSTON HERALD, Sept. 1, 1993, at 28; Marla R. Van Schuyver, *State Hears Opposition to Chinatown Garage Plan*, BOSTON GLOBE, Sept. 1, 1993, at 64.

August-September 1993: Community Referendum

While the Coalition was steeped in the environmental review process, it also engaged in a high-risk political move. Early on in the campaign, a community referendum was suggested⁸⁸ to let community members express their true opinion about the garage proposal. Although suggested initially in jest, the Coalition quickly realized that a referendum could be enormously useful. A referendum would challenge the CNC's claim to be the sole voice of Chinatown.⁸⁹ It would also test the sincerity of NEMC's pledge to withdraw the garage proposal if the community truly opposed it.⁹⁰ But a referendum would be risky. With little time to organize support and educate the community,⁹¹ the Coalition might actually lose the election. Nevertheless, the Coalition thought the referendum was worth the risk.

The Coalition designed the election process carefully to pre-empt any potential CNC challenge⁹² of the vote's integrity. Instead of creating new voting eligibility requirements, the Coalition adopted those of the CNC. In addition, the Coalition made various improvements to the CNC voting process by:

- contracting with an independent third-party to conduct and monitor the balloting process;⁹³
- distinguishing resident from non-resident voters;⁹⁴
- eliminating ballot surprise by publicizing the exact format and wording of the bilingual referendum ballot before election day;⁹⁵
- widely publicizing the purpose of the referendum by distributing flyers at community events such as the August Moon Festival, door-to-door "lit drops"

88. The idea of a referendum was raised at a Steering Committee meeting on June 21, 1993, the second time the committee had met after the Coalition's formation.

89. See Robert O'Malley, *What Is the Community and Who Represents It?*, SAMPAN, June 4, 1993, at 1. During the three months leading up to the referendum, the BRA repeatedly refused to meet with the Coalition and referred to the CNC's overwhelming vote in support of the garage as dispositive. See, e.g., Letter from Paul L. Barrett, *Boston Redev. Auth.* to Michael Liu, Director, *Asian American Resource Workshop*, a member of the Coalition to Protect Parcel C for Chinatown (July 23, 1993) (on file with authors).

90. Tina Cassidy, *Chinatown to Vote on Garage Proposal*, BOSTON GLOBE, May 15, 1993 (quoting Larry Smith, general counsel for New England Medical Center, "We're not looking to beat Chinatown into submission to accept this proposal."). See also, Betsy Q.M. Tong, *Chinatown Neighborhood Council Approves Controversial Garage Plan*, BOSTON GLOBE, (City Weekly Magazine), May 23, 1993, at 1 ("After listening to neighborhood objections, however, Smith said the medical center would have to consider seriously whether the garage was worth building, despite the neighborhood council's support.").

91. The Coalition adopted the referendum proposal on June 28, 1993, with target voting dates of September 12 and 13, 1993.

92. Before publicizing the referendum, the Coalition solicited the participation of the CNC, which flatly rejected its invitation.

93. See Kevin Kempksie, *Chinatown Garage Heads to Referendum*, BOSTON TAB, Aug. 31, 1993, at 10 ("The referendum will be run by the American Friends Service Committee according to rules of the Chinatown Neighborhood Council.").

94. The voting station was installed in the Chinese Merchant Association building. The poll workers would register the identification number of the government-issued identification (which could be a driver's license, a "green card," a MassHealth identification card, a social security card or a passport) provided by the voters on a spreadsheet program. This information would enable the poll workers to identify possible duplication if the same person attempted to vote again. Voters were considered resident voters if their addresses were within the pre-defined South Cove-Chinatown neighborhood parameter according to the CNC voter guidelines. Resident voters and non-resident voters were issued ballots of different colors, so that their votes could be separated.

95. The exact ballot question was published in the community's bilingual newspaper a week before the scheduled voting date. See Robert O'Malley, *A Chance to Vote on Parcel C Garage Plan*, SAMPAN, Sept. 3, 1993, at 1. The Coalition also distributed bilingual flyers with the referendum question in the same format on the ballot during the August Moon festival, and by going door-to-door to distribute the flyers in the community. See *Chinatown Rises to August Moon Occasion*, BOSTON HERALD, Aug. 23, 1993, at 5.

within Chinatown, inserting alerts in organizations' newsletters and bulletins, and publishing articles in the Chinese and English-language newspapers; and

- prohibiting anyone affiliated with the Coalition or the CNC to "help" voters complete their ballots.

Held on September 12 and 13, 1993, the referendum asked one question,⁹⁶ requiring a "yes" or "no" answer. Over 1,700 individuals voted in the referendum,⁹⁷ 654 of whom were Chinatown residents. One thousand six hundred and ninety-two individuals voted "no" to the garage, and only forty-two voted "yes."⁹⁸ The referendum result conclusively settled any claims by the CNC or the BRA that the community supported the garage proposal.

November 1993: CNC Election

Riding on its high-profile successes on the environmental and referendum fronts, the Coalition attempted to regain control⁹⁹ of the CNC by running a Coalition slate in the 1993 election. This slate included two Chinatown residents, three community-based organization representatives, and two business owners. Their platform was clear: stop the garage and ensure multilingual access¹⁰⁰ to the CNC through democratic participation.

Having lost the community referendum, the CNC bloc vigorously organized its own supporters for the election. Although many elderly and grassroots people supported the Coalition, the business interests succeeded in turning out their workers in large numbers to vote in favor of the candidates supported by the CNC. Some even

96. The referendum question was:

New England Medical Center (NEMC) has proposed to build a 455-car parking garage on Parcel C (next to the Acorn Day Care Center and playground on Oak Street) for their new ambulatory facility. This will affect Chinatown residents such as those on Oak Street, Johnny Court, in Quincy Towers elderly housing, Tai Tung Village, and Mass Pike Towers, as well as the Acorn Day Care Center, Quincy School, and other community groups. NEMC is offering the community 55 out of the 455 parking spaces for the future housing developments across the street and \$1.97 million to be allocated by the Chinatown Neighborhood Council. In exchange, the Chinatown community would give up its rights to develop the land or build a community center as previously recognized in the Chinatown Master Plan.

Do you accept NEMC's proposal for Parcel C?

97. Considering the voter turnout of 400 to 660 in the CNC election the preceding two years, the level of participation at the referendum was significant. See Robert O'Malley, *Community Sends Clear Message: No Garage! Coalition Asks Hospital and BRA to Honor Referendum Results and Cancel Garage Plans*, SAMPAN, Sept. 17, 1993, at 1.

98. See Marie Gendron, *Chinatown Vote Says No to Garage*, BOSTON HERALD, Sept. 15, 1993, at 35.

99. The first Council, formed in 1986, was able to stop the St. Margaret's Hospital relocation to Chinatown and the NEMC proposed 850-car garage. See Tarry Hum, *Community Identity of Chinatown Is Preserved Through Work of Council*, SAMPAN, Feb. 3, 1988, at C4. However, as the business interests and the entrenched "power brokers" in the community realized CNC's significance, they organized to seize control of the Council. By the next election in 1988, certain segments of the community's conservative factions committed widespread election fraud to take over the Council. The progressive members elected to the CNC resigned in protest. See Robert O'Malley, *Three Resign From New Council to Protest Flawed Voting Process*, SAMPAN, May 18, 1988, at 1. From then on, the conservative business interests controlled the CNC. Instead of watching out for the community's interest with respect to development proposals, the Council "rubber stamped" development proposals. During the Parcel C struggle, the salary of the CNC Executive Director was paid for by New England Medical Center. This conflict of interest was not flagged when the Council voted in support of the NEMC garage proposal. See, e.g., Peter Gelzinis, *Turf War in Chinatown Reveals the Soul of City*, BOSTON SUNDAY HERALD, Sept. 12, 1993, at 4; Robert O'Malley, *What Is the Community*, *supra* note 89, at 1; Betsy Q.M. Tong, *Chinatown Garage Plan Highlights Political Strife*, BOSTON SUNDAY GLOBE, June 20, 1993, at 30.

100. Because CNC meetings were conducted only in English and the leadership refused to honor requests for interpreters, the CNC had effectively excluded the majority of its constituents from its process.

went so far as to bus their employees to the polling station, monitor them, and in some cases, write in their ballots.¹⁰¹ The Coalition's slate lost the election by a two-to-one margin.

August 1993 to August 1994: Designing a Concrete Alternative

The Coalition recognized that it needed to offer a positive alternative for Parcel C. By doing so, the Coalition could refute complaints that they were mere obstructionists; instead, they would be seen as offering a concrete redevelopment plan that would benefit and revitalize the community. The Coalition retained the pro bono service of an architect to design a community center and hired an architecture student to build a small-scale model, complete with a three-phase development structure.¹⁰²

In contemplating the potential future of Parcel C, the Coalition recognized that it did not have the capacity to develop the land. Instead, the Coalition conceived of its role as a monitor. It invited the members of the Chinatown Community Center, Inc.¹⁰³ to consider the future development of Parcel C. The Coalition also met with the Asian Community Development Corporation to explore their interest in developing the Parcel C community center or, at the minimum, provide the Coalition with technical support in evaluating the feasibility of such a development. [See *Photo 7 in Appendix.*] Unfortunately, neither exploration proved fruitful.¹⁰⁴

February 1994: Responding to Full Environmental Impact Report

When NEMC completed the Draft Environmental Impact Report ("DEIR") on February 28, 1994, the Coalition's Legal Committee was again ready to respond. Believing that the "public comment" requirement under the Massachusetts Environmental Policy Act ("MEPA")¹⁰⁵ required that the entire public — including non-English speaking Chinatown residents who would be gravely affected by the proposal — should be able to participate, the Legal Committee demanded that NEMC translate the report into Chinese.¹⁰⁶ In response, NEMC produced a seven-page Chinese summary of the almost 1,000-page document. Although the summary was partly incomprehensible because of technical jargon and incorrect Chinese transla-

101. Since most of the restaurant workers tended to be new immigrants, they had no experience in voting in the United States or in their home country. The voting "booths" were set up on the teller counters in a bank, without partitions. Any voter could monitor how the others voted. Under such surveillance, employees voted as they were instructed. See Andrew Leong & Bill Moy, "Voting Irregularity" or "Sour Grapes?", *SAMPAN*, Dec. 17, 1993, at 4-5.

102. The community center was designed in a three-phase construction process to allow the community to make use of the existing building structures and open space in the construction interim.

103. See *supra* note 54.

104. The Asian Community Development Corporation ("ACDC") developed the housing complex across the street from the proposed garage. Although individuals on the Board of Directors expressed sympathy toward the Coalition, ACDC never took a public stand against the garage. At the time, ACDC was still putting together the financial package for its development. They needed city support, and they feared that any overt action against the garage might jeopardize the development. See Michael C. Liu, *Chinatown's Neighborhood Mobilization and Urban Development in Boston 126* (1999) (unpublished Ph.D. dissertation, University of Massachusetts (Boston)) (on file with authors). The CCC, on the other hand, existed in name only. Its members held divergent views on Chinatown development. As such, various organizations within CCC examined a variety of different actions, from negotiating independently with the City and the institutions to even opposing the Coalition. The CCC eventually dissolved in 1997.

105. See MASS. GEN. LAWS ch. 30, §§ 61, 62 (1995); MASS. REGS. CODE tit. 301, § 11:00 et seq. (1995).

106. See Andrew Leong, *The Struggle Over Parcel C: How Boston's Chinatown Won a Victory in the Fight Against Institutional Expansion and Environmental Racism*, 21 *AMERASIA J.* 99, 112-13 (Winter 1995-96).

tions, this was the first version of the Environmental Impact Report that most community members ever read.

In its lengthy comment to the DEIR, the Legal Committee provided specific criticisms of the Report framed in the historical context of Chinatown and the legacy of urban renewal.¹⁰⁷ The comment also offered a concrete alternative that the Coalition had been developing since August 1993: a Parcel C community center, complete with architectural schematic drawings and construction budget projection. Not only did the Coalition's response convince the state agency to require NEMC to revamp its environmental study, it also provided a thorough, well-documented account of institutional expansion within Chinatown. The community won another partial victory when the Secretary of Environmental Affairs required NEMC to translate meaningful portions of any subsequent environmental impact report and suggested that NEMC meet with the Coalition to negotiate a solution.¹⁰⁸

July 1994: Ninety-Nine Year Lease on Parcel C

When the Coalition unveiled the Parcel C community center idea, it immediately drew criticism from City Hall, NEMC, and other garage supporters on the grounds that the community could not afford such an undertaking.¹⁰⁹ To respond, the Coalition's Legal Committee researched the cost of buying Parcel C from the City. To its great surprise, the Committee discovered that the BRA had let NEMC use Parcel C virtually rent-free. The land swap agreement between BRA and NEMC allowed NEMC to continue to lease Parcel C (including the three office buildings) for four years, starting in September 1990, for one dollar per year.¹¹⁰

Upon learning this, the Coalition became incensed and decided to seek from BRA a 99-year lease on Parcel C on identical terms. At the July 1994 press conference publicizing the Recreation Day (described below), the Coalition offered a stack of 99 one-dollar bills to the BRA. This embarrassing episode might have caused the BRA to finally meet with Coalition delegates two weeks later.

August 1994: Recreation Day

Frustrated by the City's indifference, the Coalition considered occupying Parcel C for a weekend and converting it into a "shanty" town.¹¹¹ This idea excited many

107. The comment challenged the sufficiency of the New England Medical Center environmental impact report on eleven fronts. See Zenobia Lai et. al., *In re Comment to New England Medical Center Hospital Plan for Parking Garage on Parcel C*, 28 CLEARINGHOUSE REV. 295 (July 1994).

108. See Trudy Cox, Certificate of the Secretary of Environmental Affairs on the DEIR of NEMC Plan for a Parking Garage on Parcel C (April 29, 1994); Leong, *supra* note 106; Robert O'Malley, *State Rejects NEMC Environmental Report*, SAMPAN, May 20, 1994, at 1.

109. See, e.g., Robert O'Malley, *Moy Says Yes*, SAMPAN, Sept. 3, 1993, at 1; Robert O'Malley, *Parcel C Coalition Continues Plan to Stop Hospital Garage*, SAMPAN, Apr. 1, 1994, at 1.

110. See Suffolk Registry of Deeds, book 16512, at 171, 226 (Sept. 28, 1990, executed; Oct. 2, 1990, received). NEMC used the three buildings as offices and provided 80 surface parking spaces for its employers and visitors at \$5.50/day per car. See NEW ENGLAND MEDICAL HOSP., INC., *supra* note 53, § 2 at 9.

111. The idea was to replicate a strategy used by community activists in their fights against institutional expansion in Boston in the early years. In Boston's South End, in the late 1960s, a group of African-American activists occupied a surface parking lot and announced to would-be parkers, "You cannot park here. This is a place for people." The land had once been the site of a vibrant African American community. A scuffle between the group and a suburban driver resulted in the arrest of twenty-three people. This prompted a three-day demonstration where 4,000 people converged on the lot. They built makeshift tents and stayed overnight, giving birth to the "Tent City." The Tent City demonstration resulted in a mixed-income development of 271 apartments known as the "Tent City." The demonstration also planted the seed for a "linkage program" that requires a commercial developer to set aside money for the construction of affordable housing.

of the younger activists who were largely unschooled in civil disobedience. This suggestion, however, made the Steering Committee uneasy because it could put unsuspecting community members in harm's way. An arrest, even if caused by justified civil disobedience, could affect the naturalization prospects of the many Chinatown residents who were not yet United States citizens.¹¹² For them, arrest could mean deportation. Instead of a shanty-town takeover, the Coalition opted for a Recreation Day. [See Photos 2, 3, and 6 in Appendix.]

The Coalition's youth team planned the Recreation Day to regain momentum on the Parcel C struggle, as it entered its second year with no end in sight. The goal was to show what Parcel C could be and how it could provide the desperately needed recreation space for children in Chinatown. A logo design competition and art display contest gave the youth a way to join the struggle and taught them an early lesson in community service and participation. The Recreation Day drew more than two hundred people who participated in the various games set up on Oak Street outside of Parcel C. Neither the City nor NEMC responded to or commented on this event.

October 1994: Threat of a Civil Rights Lawsuit

Notwithstanding the state Office of Environmental Affairs' order to NEMC to redo the environmental study, City Hall still refused to meet with the Coalition. This convinced the Legal Committee that a civil rights lawsuit had to be prepared. The Committee pursued two main theories: Title VIII of the Civil Rights Act of 1968¹¹³ and the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.¹¹⁴ Identifying NEMC's Parcel C garage proposal as the latest in a series of discriminatory public policies toward Chinatown, the Legal Committee incorporated forty years of public acts and omissions by City Hall as the basis of the civil rights complaint.

After two months of intensive research, analysis, and fact gathering, the Legal Committee¹¹⁵ felt confident about filing the complaint. It then set out to meet again with the named plaintiffs¹¹⁶ to answer questions and concerns, to ensure that they fully understood what filing this lawsuit meant. Although the Legal Committee could not guarantee that there would be no retaliation from the City, its promise to represent the plaintiffs against any such action reassured them.

See MEL KING, CHAIN OF CHANGE, 111-18 (1981). See also, David Arnold, *Proud, but Still Defiant: 30 Years After Tent City, a Demonstrator Misses the Outrage*, BOSTON GLOBE, May 2, 1998, at A1; Tom Witkowski, *Celebrating Tent City, Advocates Mark 30th Anniversary of Affordable Housing Protests*, BOSTON TAB, May 5, 1998, at 3.

112. The Immigration and Naturalization Service could interpret any arrests or convictions as an adverse indication of the person's good moral character and deny his/her application to become a United States citizen. See 8 U.S.C. §§ 1427(a)(3), 1430(a)(1) (1998), Immigration and Nationality Act §§ 316(a)(3), 319(a)(1), 8 C.F.R. §§ 316.10, 329.2(d) (1998).

113. 42 U.S.C. §§ 3601 et seq. (1998), 24 C.F.R. § 100 (1998).

114. Other theories that the Legal Committee also considered were Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq. (1998), 24 C.F.R. § 1 et seq. (1998) and Section 1983 of the Civil Rights Act of 1871 42 U.S.C. § 1983 (1998).

115. At this point, all the students who were part of the original Legal Committee had either returned to school or were working outside of the area, leaving Greater Boston Legal Services as the only entity remaining on the Legal Committee.

116. The plaintiffs included the CPA, the AARW, an Oak Street resident, an elderly person, a CPA member, and a former Chinatown resident displaced by the highways in 1960.

The Coalition instructed the Legal Committee to file the lawsuit the day after a planned community rally.¹¹⁷ With the Coalition's approval a week before the filing date, the Legal Committee informed the City's counsel of the Coalition's plan to sue. A few days later, the Coalition found out from a news reporter that City Hall had struck a deal with NEMC, terminating the garage proposal and transferring the control of Parcel C to the Chinese Consolidated Benevolent Association.¹¹⁸ The lawsuit was never filed. Instead of staging another protest, the community launched into a victory rally on October 25, 1994, ending the 18-month struggle. [See *Photos 8 and 9 in Appendix.*] Although the City ignored the Coalition to the end, it was the Coalition's efforts that stopped the NEMC garage and regained Parcel C for Chinatown.¹¹⁹

The City never made public its reasons for returning Parcel C to Chinatown, nor explained why it never responded to the Coalition's year-long requests for a meeting. Five years after Parcel C was returned to Chinatown, the City again turned to the CNC in 1999, as Chinatown's official voice, in deciding which community-based organizations should be the non-profit partner in developing Parcel C into a mixed-use complex, or which organization could use the agency space.¹²⁰

It is difficult to say which strategy, legal or community organizing, was more important in the Parcel C case. On the one hand, perhaps the City gave in on October 21, 1994 because they had learned that the Coalition was going to file suit. On the other hand, the struggle would not have lasted as long as it did without the relentless organizing that provided the time necessary to develop a legal case. In the end, we believe that both were equally important.

IV. LESSONS LEARNED FROM PARCEL C

Our description of how the Coalition organized and waged its various campaigns should give ideas and examples to community lawyers addressing similar crises. We now step back to reflect more generally about the lessons learned about community lawyering.¹²¹ In particular, we address those lessons especially important for lawyers serving the Asian Pacific American immigrant communities.

117. At this time, the Coalition was awaiting the Mayor's response to its latest meeting request. The community rally was planned for October 25, 1994, in anticipation of another "no-response" reaction from the mayor.

118. See Marie Gendron, *Menino: Developer Puts the Brakes on Chinatown Garage*, BOSTON HERALD, Oct. 22, 1994, at 20; Adrian Walker, *Chinese Community Group Wins Say on Development of Parcel*, BOSTON GLOBE, Oct. 22, 1994, at 17.

119. Even the representative of New England Medical Center recognized this. "[T]he Coalition to Protect Parcel C for Chinatown effectively killed the garage with a skillfully orchestrated media campaign and a series of high-profile events that painted the plan as a sellout of the community." Adrian Walker, *Chinese Community Group Wins Say on Development of Parcel*, BOSTON GLOBE, Oct. 22, 1994, at 24.

120. Stanley Bao, *Two Issues Fuel Parcel C Controversy*, SAMPAN, Sept. 17, 1999, at 7; *Controversy Again Ignites Over Parcel C*, SAMPAN, Sept. 3, 1999, at 3. The CNC attempted to derail the development approval process by contesting the legitimacy of the votes cast by community members at two public hearings sponsored by the BRA and CNC in July 1999. CNC then forced the BRA to reopen the bidding process, after the period to respond to the formal Request for Qualification ("RFQ") had already expired, with only one team consisting of a for-profit developer and non-profit partner responding. After two months of delay, the CNC finally voted to support the same development team that was already approved by the community in the July meetings.

121. One school of thought defines this as "lawyers, together with colleagues from different professions, who work with community groups and individual clients to achieve social change." Louise G. Trubek, *Reinvigorating Poverty Law Practice: Sites, Skills and Collaborations*, 25 FORDHAM URB. L.J., 800-02 (1998).

Community lawyers exist on the continuum of lawyers generally called social change lawyers.¹²² This group of lawyers consists of political lawyers,¹²³ poverty or progressive lawyers,¹²⁴ and rebellious lawyers.¹²⁵ All believe in using the law to bring about social change. Community lawyers do not come in a set shape or form. They are generally individuals who intend to use the law to empower subordinated individuals and communities by working collaboratively with community groups and clients. The specific roles of community lawyers and their relationships with the community are detailed below.

A. Empowering the Community

Lawyers are often needed because the community faces some serious problem. However, once lawyers enter the picture, the community often jumps to the conclusion that all its problems are solved because they think, "we have a lawyer on our side now who will take care of everything." But the community should not surrender responsibility for the struggle because only the community itself can decide what its goals are. To be sure, lawyers can help achieve those goals; however, they should not be the ones deciding what they are in the first instance. This is the first step to community empowerment.¹²⁶ It requires community lawyers to engage in the following:

122. "Social change lawyers" refer to lawyers whose work is directed at altering some aspect of the social, economic, and/or political status quo. Louise G. Trubek, *Embedded Practices: Lawyers, Clients, and Social Change*, 31 HARV. C.R.-C.L. L. REV. 415 (1996).

123. Political lawyers use litigation, legislation, mass media, social science research, and other deliberate efforts and tools to change society or to alter allocations of power for the attainment of social justice. See generally Gary Bellow, *Steady Work: A Practitioner's Reflections on Political Lawyering*, 31 HARV. C.R.-C.L. L. REV. 296 (1996); Martha Minow, *Political Lawyering: An Introduction*, 31 HARV. C.R.-C.L. L. REV. 287 (1996).

124. The term, "poverty lawyers," generally refers to the "lawyers working in legal services setting." They handle a high volume of individual cases and bring impact litigation. Poverty lawyers believe in using the court to expand the rights of poor people, which will in turn improve the overall conditions of poor people. See, e.g., Ingrid V. Eagly, *Community Education: Creating a New Vision of Legal Services Practice*, 4 CLINICAL L. REV. 433 (1998). The efficacy of poverty lawyers has been a subject of debate and criticism. See, e.g., Marc Feldman, *Political Lessons: Legal Services for the Poor*, 83 GEO. L.J. 1529 (1995); cf. Gary Bellow & Jeanne Charn, *Paths Not Yet Taken: Some Comments on Feldman's Critique of Legal Services Practice*, 83 GEO. L.J. 1633 (1995); Alan W. Houseman, *Political Lessons: Legal Services for the Poor — A Commentary*, 83 GEO. L.J. 1669 (1995).

125. "Rebellious lawyers" is a term coined by Gerald Lopez in his book, *Rebellious Lawyering: One Chicano's Vision of Progressive Law Practice*, and his earlier law review articles. Rebellious lawyers are individuals committed to social change, but they see the attainment of this goal by collaborating with other entities and lay professionals, linking together legal and non-legal approaches in problem-solving, and empowering subordinated people in the process. LOPEZ, *supra* note 1. The empowerment perspective that is central to rebellious lawyering has been the subject of many law review articles. See, e.g., Richard L. Abel, *Law Without Politics: Legal Aid Under Advanced Capitalism*, 32 UCLA L. REV. 474 (1985); Anthony V. Alfieri, *The Antinomies of Poverty Law and a Theory of Dialogic Empowerment*, 16 N.Y.U. REV. L. & SOC. CHANGE 659 (1987-88); Anthony V. Alfieri, *Reconstructive Poverty Law Practice: Learning Lessons of Client Narrative*, 100 YALE L.J. 2107 (1991); Anthony V. Alfieri, *Speaking Out of Turn: The Story of Josephine V.*, 4 GEO. J. LEGAL ETHICS 619 (1991); Steve Bachmann, *Lawyers, Law, and Social Change*, 13 N.Y.U. REV. L. & SOC. CHANGE 1 (1984-85); Edgar S. Cahn & Jean C. Cahn, *The War on Poverty: A Civilian Perspective*, 73 YALE L.J. 1317 (1964); Peter Gabel & Paul Harris, *Building Power and Breaking Images: Critical Legal Theory and the Practice of Law*, 11 N.Y.U. REV. L. & SOC. CHANGE 369 (1982-83); Lucie E. White, *Goldberg v. Kelly on the Paradox of Lawyering for the Poor*, 56 BROOK. L. REV. 861 (1990); Lucie E. White, *Mobilization on the Margins of the Lausuit: Making Space for Clients to Speak*, 16 N.Y.U. REV. L. & SOC. CHANGE 535 (1987-88); Lucie E. White, *Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on Hearing of Mrs. G.*, 38 BUFF. L. REV. 1 (1990); Lucie E. White, *To Learn and Teach: Lessons from Driefontein on Lawyering and Power*, 1988 WIS. L. REV. 699.

126. According to Manning Marable, "community empowerment" is:

Educate the community about the problem's context.

Community lawyers can help frame the problem. For instance, few within the community knew that Parcel C was once the home of Chinatown residents. Some basic history about the legacy of urban renewal on Chinatown provided the context the community needed to evaluate NEMC's garage proposal. The community learned that Parcel C was not an isolated incident but was simply the most recent episode in the long saga of institutional expansion. They understood that institutional expansion would not end even if the community acquiesced to the Parcel C garage. This recognition helped mobilize broad support for the Parcel C struggle. In addition, it produced concrete payoffs during the environmental impact review process. The residents' testimonies effectively invoked history to challenge NEMC's attempt to portray the Parcel C garage as an isolated construction project with limited community impact.

Educate the community about the law.

Community lawyers need to convey legal knowledge to the community so that they "may become aware of their rights, guarding and wielding them, as symbols of inclusion, participation and respect."¹²⁷ But this requires plain talk, not legalese. The language of the law is not readily accessible to non-lawyers, especially if they are non-English-speaking immigrants. Community lawyers must overcome this obstacle. In the Parcel C struggle, we always tested our "translation" of legal concepts on the Steering Committee first and only afterwards presented them to the community at large. Instead of using jargon such as "summary judgment," "motions," "scoping," "Clean Air Act," and "Massachusetts Environmental Policy Act," we presented the more basic ideas underlying these terms. By not focusing on technical details, we helped the community connect the legal concepts with examples from their daily lives.

Explain to the community that the law is not a panacea.

The community should not have unrealistic expectations about legal solutions. For example, the Legal Committee clearly explained that the environmental review process was only procedural. That is, if NEMC fulfilled the technical requirements laid down by the Secretary of Environmental Affairs, it could eventually build the garage. The community then realized that the law was not the "end all" and that they had to pursue other solutions, which included the media, politics, and coalition building with other neighborhoods.

Let the community speak for itself.

When the press sought comment about the Parcel C struggle, we, as the community lawyers, often responded, "Why don't you speak to someone who lives here?" The press assumes that the lawyer is the leader and designated spokesperson. And in many community struggles, lawyers tend to take over such positions. How-

[E]ssentially a capacity to define clearly one's interests, and to develop a strategy to achieve those interests. It's the ability to create a plan or program to change one's reality in order to obtain those objectives or interests. Power is not a "thing," it's a process. In other words, you shouldn't say that group has power, but that, through its conscious activity, a group can empower itself by increasing its ability to achieve its own interests.

MANNING MARABLE, *THE CRISIS OF COLOR AND DEMOCRACY* 246 (1992).

127. See Houseman, *supra* note 124, at 1688 n.81.

ever, we challenged this conventional wisdom during the Parcel C fight. Instead of appointing ourselves the community spokespersons, we helped the Political Mobilization Committee identify residents, organizers, and directors of community-based organizations to be spokespersons. To make clear that this was a community struggle, no lawyers were designated as spokespersons. There can be no better spokesperson than a member of the aggrieved community itself.

Respect the community's judgment, even on legal strategy.

It is often tempting for lawyers who work for subordinated communities to assume that they alone are able to make the most educated choice among legal strategies. This patronizing attitude is even more prevalent among lawyers who work with immigrants uncomfortable with English. But if the goal of community lawyering is to empower the community by bringing out its own talents, enhanced with legal knowledge, then community lawyers must learn to respect the community's strategic choices. In addition, lawyers must remember that it is the community that ultimately bears both the benefits and costs of any legal strategy.

In the Parcel C struggle, for example, the Legal Committee had to choose between using its limited resources to complete the state environmental review process or to join a class-action lawsuit filed by the Conservation Law Foundation against building unwanted garages throughout Boston.¹²⁸ Instead of telling the community which option to take, the Legal Committee learned the relevant law and shared its findings with the community. After a careful weighing of the pros and cons, the community opted to complete the environmental review, which kept the community a full player in the legal process. The Legal Committee fully respected this decision.

B. Building Relationships between Lawyer and Community

In the Parcel C struggle, the Coalition's initial reception of the Legal Committee ranged from distant to lukewarm. Many on the Coalition had prior bad experiences with lawyers in other community struggles. From their perspective, certain lawyers had hijacked the community's struggle for their own professional gain;¹²⁹ other lawyers, especially those who were "home-grown," had ridiculed progressive ideologies, goals, and methods. Assistance from these sorts of lawyers had rarely produced systemic benefits to the community. Thus, instead of welcoming the Legal Committee with open arms, the Coalition's Steering Committee adopted a "wait and see" attitude, testing out this group's commitment.

Members of the Legal Committee had varying degrees of working relationships and histories with the Coalition's members. Some knew more about the Boston Chinatown history than others, but all shared a deep appreciation of Asian American history and were committed to turning this understanding into activism. Therefore, whether consciously or unconsciously, we took the following steps to make ourselves welcome in the Coalition:

128. The Conservation Law Foundation had successfully represented an East Cambridge community against the construction of a large garage by invoking the Clean Air Act and Parking Freeze ordinance. It was actively searching for plaintiffs from neighborhoods besieged by unwanted garages for its class-action lawsuit. The Coalition had been asked to join in the class action.

129. This is actually quite a common criticism of the self-identified "progressive" lawyers. See generally LOPEZ, *supra* note 1, at 11-82.

Do not assume "trust" exists simply because of shared ethnicity, race, or language ability.

Lawyers who share the linguistic, ethnic, or cultural background of their clients assume, often correctly, that they will be more adept in observing subtle cues and be admitted more quickly into the clients' confidences.¹³⁰ But automatic "trust" should not be presumed. Regardless of the similarities between lawyer and client, the client sees the lawyer first as a "lawyer." For many, the legal profession represents the hostile, inaccessible, and insensitive legal system that permeates and complicates their lives.¹³¹ In addition, as suggested above, the community may have had bad encounters with lawyers who offered their "help" in the past. Therefore, community lawyers should not assume too much: Trust must be earned.

Build trust by participating respectfully in all aspects of the community struggle.

In addition to serving on the Legal Committee, the Parcel C legal team participated in all the other Coalition committees to help strategize and share the work. We assisted with literature distribution, publicity tabling, fundraising, media coordination, interpreting at meetings, and coalition building. We immersed ourselves in this work to join the struggle as members of the community, not merely as lawyers. We participated in most of the Steering Committee meetings, in which we did not chair or vote. We also took part in the community meetings and offered our opinions only when asked. Our relatively inconspicuous but regular presence helped us become accepted by the Coalition. [See Photo 6 in Appendix.]

Build trust by learning about the community.

By getting to know the community, we do not mean merely going there to shop, eat, play, or socialize. We mean learning about its history, its geography,¹³² and the various players, institutions, and organizations that constitute the community. We also mean interacting with the residents and learning about their individual histories, including their immigration and socio-economic backgrounds, their political identification, their financial and employment status, and their perspectives of the community. Such in-depth knowledge enabled us to identify what sorts of strategies, both legal and non-legal, might be viable and appropriate during the Parcel C struggle.

Build trust by establishing a permanent presence within the community.

Community lawyers need to be available to the community beyond the instant struggle. Besides serving on boards of community-based organizations, they need to volunteer their time and skills and use their legal training to further the best interests of the community on myriad issues. Examples include conducting community legal education on relevant topics such as immigration, workers' rights and American

130. See Bill Ong Hing, *Symposium on Civic and Legal Education: Panel Three: Clinical Education: Raising Personal Identification Issues of Class, Race, Ethnicity, Gender, Sexual Orientation, Physical Disability, and Age in Lawyering Courses*, 45 STAN. L. REV. 1807, 1813-19 (1993).

131. See LOPEZ, *supra* note 1, at 47.

132. As lawyers who worked intimately with this community, we knew its physical characteristics well. For example, in the MEPA review process, we were able to rebut the assumptions made in NEMC's traffic study because we knew which shortcuts through the community drivers exiting the NEMC garage would likely take, instead of the long detour that would result in less impact in the community as proffered by the NEMC study. A total "outsider" would have missed this crucial point.

government structure; mentoring community youth; and assisting community functions. An informal survey of community-based organizations¹³³ found that visibility at community functions was especially important. This way the community could get to know the lawyers and to see them as members of the community, not merely as outsiders who specialize in legal problems.

Address lawyer biases and community prejudice.

To be effective, community lawyers should be cognizant about presumptions they may have about the community they serve. On the other hand, community lawyers should also be aware that communities of subordinated people are not immune from the prejudices and biases that permeate the broader society. The following are several lessons that we learned during the Parcel C struggle:

1. *Address lawyer biases against the community.*

Regardless of whether or not they share the linguistic, ethnic, or cultural background of the community, all community lawyers need to engage in a personal identification process.¹³⁴ Community lawyers need to be conscious of how their class, race, ethnicity, culture, gender, sexual orientation, physical disability, and age affect their interactions with their clients and community base. For instance, community lawyers should recognize that as lawyers, they belong to a socio-economic class quite different from their clients, even though they may share the same ethnic or racial identity. Therefore, community lawyers must be conscious of their manner of speech, the setting in which they meet their clients, and even the subject matter of small talk.¹³⁵

2. *Address community biases against lawyers: race, gender, and age.*

The 1994 Final Report of the Commission to Study Racial and Ethnic Bias in the Courts reported that among Massachusetts' 25,466 attorneys, 95.9 percent were White, 2 percent were Black/African American, 1.2 percent were Hispanic, and 0.8 percent were Asian American. Nearly three-quarters of all the lawyers were men, though a slight majority among the attorneys of color were women. The study also found that because racial minorities began to enter the legal profession in substantial numbers only recently, the majority of the attorneys of color practicing in Massachusetts were young.¹³⁶ These demographics reinforce the image — held even by

133. We surveyed the leadership of about ten community-based organizations that served the greater Boston Asian American community. The purpose was to gauge their attitudes toward legal services lawyers and their expectations of community lawyers. Another goal of the survey was to evaluate the legal needs in the community and to identify emerging issues that required attention.

134. In this process, lawyers identify themselves in terms of class, race, ethnicity, gender, sexual orientation, physical disability, and age, and evaluate their similarities and differences with their clients, allies, enemies and other institutional players within the community. Through this process, lawyers can become more effective in working with their clients and develop sound attorney-client relationships. See Hing, *supra* note 130, at 1807.

135. Some of the respondents of the community group survey reported feeling intimidated by legalese.

136. In the 1992 survey, 73 percent of Asian American lawyers, 77 percent of Hispanic lawyers and 55 percent of the Black/African American lawyers were forty-years old or younger, compared to 47 percent of the White attorneys. See COMMISSION TO STUDY RACIAL AND ETHNIC BIAS IN THE COURTS, SUP. JUD. CT. OF MASS., EQUAL JUSTICE: ELIMINATING THE BARRIERS 10-13 (1994).

the client community¹³⁷ — of the consummate lawyer as an older, White man. Anyone who does not fit this bill is presumed to be less effective.¹³⁸

For example, during the initial phase of the Parcel C struggle, as the two young Asian American women attorneys (Lai and Wu) leading the Legal Committee, we were repeatedly mistaken by community members as interpreters, students, secretaries to the lawyers, and occasionally youth helpers. Instead of judging our presentation on its merits, we felt that it was sometimes rejected simply because it was delivered through a female voice.¹³⁹ When members of the Coalition repeatedly exclaimed how youthful their lawyers were, we could not tell whether they were marveling at our educational accomplishments or doubting our abilities.¹⁴⁰ To overcome this bias, as the two women attorneys on the Legal Committee, we asserted our voices in discussions and delivered regular legal services, alongside the Parcel C struggle. By exposing the community to other facets of our work, and being able to deliver results, we somewhat overcame the initial bias against our age, gender, and race. When the community won the Parcel C struggle in October 1994, there was little doubt within the Coalition that their young Asian American female attorneys were just as good as the abstract "White, older male" attorneys.

3. *Address community biases against public interest lawyers.*

Legal services lawyers are treated differently by the community than corporate and law firm lawyers. The Coalition had initially retained two teams of lawyers: the pro bono corporate counsel retained exclusively for the BRA project review process and the Legal Committee for the environmental review process and other matters.¹⁴¹ Some members of the Parcel C Legal Committee sensed that the community was willing to "bend over backwards" to accommodate the firm lawyer's requests, even at the risk of compromising the community empowerment goal of the struggle.

Further support for this theory is found in our survey of community-based organizations.¹⁴² The respondents characterized firm lawyers as more professional and more business-like. Some believed that firm lawyers contribute more resources and deliver better services, although they may not take the community's issues at heart. Shortcomings of corporate lawyers engaged in pro bono representation were forgiven because they faced the economic reality of billable hours. For this reason, none of the respondents felt that they should or could expect the firm lawyers to be

137. In fact, the Six Companies (the precursor of the Chinese Consolidated Benevolent Association), one of the first Chinese American organizations formed to advocate for the rights of Chinese Americans in San Francisco, specified in the organization's by-laws that they could hire only Caucasian lawyers. Caucasian lawyers were perceived as "well-educated in the law, well-known and well-regarded in the community, and politically connected." Julie D. Soo, *History of the Six Companies*, ASIANWEEK, Jan. 14, 1999, at 18.

138. All three of us worked in legal services at one point in our careers and have been asked by our legal services clients to be represented by "real" attorneys, meaning White male lawyers. Other clients have good-naturedly inquired about when we would finish our "internships" and start our own law firms. The perception is that if one was a good lawyer, one would be working in a big law firm making more money instead of toiling in legal services.

139. Ironically, the Coalition members rarely challenged the chair of the Coalition, who was a woman. This was because after working with the community for over twenty years, she had demonstrated results in the fights against school busing, T-NEMC expansion, evictions, and the battles for civil rights and workers' rights. She was also willing and able to put the men who challenged her "in their place."

140. Some clients demanded that we (Lai and Wu) serve only as interpreters because they believed we were not qualified to represent them as attorneys.

141. See *supra* note 70.

142. See *supra* note 133.

equally accessible or to take on the various non-legal tasks as community lawyers.¹⁴³ Moreover, community lawyers are generally affiliated with agencies such as legal services that pay their salaries, and their services are offered free of charge to the community groups. Implicit in their responses is that the time and commitment of community lawyers are taken for granted.

We admit that the community lawyers' need to establish a permanent presence in the community often conflicts with their desire to impress upon the community that their time is also valuable. Unfortunately, the amount of time one spends working with the community is often taken as the measure of one's level of commitment. There is no shortcut to establishing a permanent presence in the community. Furthermore, the community will not necessarily always appreciate the community lawyers' efforts.¹⁴⁴ The advice here is that community lawyers need to be aware of the competing demands within their practice and make appropriate adjustments.

In setting priorities, one should examine whether the "non-legal" work that a community lawyer performs is for the community or for individual clients. Non-legal work for community-related causes such as leafleting, attending and speaking out at community meetings, and staffing informational tables often results in building trust between the community and the lawyer. "Favors" to an individual such as filling out a financial aid form, making a phone call on a non-legally related matter, and reading junk mail, however, only benefit one person. They do not advance the community's cause of fostering trust between the community lawyer and the community.

C. *Translating Across Language and Culture*

Working with an immigrant community with limited English ability poses special problems. From our struggle with Parcel C, we learned the following:

Try to retain bilingual, bicultural lawyers.

Because the Legal Committee members could speak Chinese (both Cantonese and Mandarin) and understand Chinatown's culture, we were able to convey legal information in understandable terms and talk directly with average community members. This yielded numerous benefits, such as: allowing community participation in strategy discussions; observing the community's reaction, unfiltered by interpreters or community leaders; facilitating trust critical to the attorney-client relationship; enhancing the community's sense of ownership over the struggle; and clarifying the lawyers' accountability to the entire community, not just its leaders. In our survey of community-based organizations,¹⁴⁵ the respondents almost unanimously pointed out the significance of having bilingual and bicultural¹⁴⁶ community lawyers.

143. At least one respondent stated that the community should not take advantage of community lawyers. A minority of the respondents also felt that community-based organizations should themselves be more coordinated, so that the community can best use the energy and time that community lawyers put into the community. Still, others felt that they should make available both a physical and organizational space for the community lawyers, so that they feel welcome.

144. Legal services provide free representation to low income clients. "Free" can be mistaken for "unlimited access." In addition, private attorneys bill their clients hourly so the clients have some measurement of the attorney's effort. However, since legal services are not accounted for in this manner, clients may have little sense of the value of their attorney's work.

145. See Trubek, *supra* note 122.

146. While one could learn a second language and be sufficiently fluent to be considered bilingual, language proficiency alone does not make one both bilingual and bicultural. In fact, many children of

Be careful when using interpreters.

Simultaneous, bidirectional interpretation is not easy. Simply because one is fluent in both languages does not mean that one is a successful interpreter. Community lawyers must take precautions to make certain that interpreters are faithfully conveying messages in both directions and that they are not injecting their own perspectives, biases, or judgments. One way to do this is for community lawyers to bring their own interpreter incognito into meetings to assess the accuracy and completeness of the interpretation. Another way is to make clear to ad hoc interpreters from the community what their job entails and that they should strive to be as accurate as possible, even with complex legal information. If an interpreter is uncertain, she should ask the lawyers for clarification before making a half-correct interpretation.¹⁴⁷ Finally, community lawyers should make the interpreter's job easier by breaking up complicated thoughts into short segments, with pauses.

Do not let interpreters disrupt your relationship with your client.

Working with interpreters is a skill.¹⁴⁸ Instead of talking to the interpreter, community lawyers should talk directly to their clients. For example, instead of telling the interpreter to "ask her this" or "tell him that," lawyers should speak to the client in the first person, almost as if the interpreter were not there.

Change communication styles to reduce the need for interpreters.

Instead of speaking in long, complicated sentences, try simpler sentences that clients with even limited English ability can understand. Lawyers should also not underestimate the value of non-verbal communication, such as a handshake, a nod, a smile, or picture drawing to interact with their clients.

D. *Accomplishing Goals Pragmatically*

Once the community has been empowered to decide for itself its goals, a relationship of trust has developed between lawyer and client, and the channels of communication have been opened successfully, lawyers can focus on an atlas of options

immigrants are not bilingual in their parents' language, but because they grew up navigating between the mainstream culture and that of their parents, they are bicultural.

"Bicultural" refers to both a process and an end product. It is the process of a person's experience of growing up in two different cultures and having to navigate between the two, interpreting and reconciling the differences, and attempting to fit into both. The end product is the acquired ability to interpret subtle cues, such as:

1. Language — The intern conducting the survey with the community groups ably pointed this out. She referred to the fact that when Chinese people commented on someone's performance as "not bad," it actually meant "very good, excellent." Someone who lacked cultural context could have interpreted this response as rude, unappreciative or demanding.
2. Gestures — For example, Asian immigrants often avert their eyes when speaking to or with authorities, because "looking people in the eye" is considered rude in their culture. However, this same behavior can be interpreted by judges or investigators as being not credible or indicating guilt. See, e.g., COMMISSION TO STUDY RACIAL AND ETHNIC BIAS IN THE COURTS, *supra* note 136, at 161.
3. Customs and process — For example, many Asian American groups would prefer a consensus approach to problem resolution, rather than confrontation, making the American adversarial legal culture particularly uncomfortable. See Paul Igasaki, Speech at the National Legal Aid and Defenders Association Annual Conference (Nov. 17, 1989).

147. For helpful information on the use of interpreters, see Charles M. Grabau & Llewellyn Gibbons, *Protecting the Rights of Linguistic Minorities: Challenges to Court Interpretation*, 30 NEW ENG. L. REV. 227 (Winter, 1996); ALEX MARQUEZ & MARTA MARQUEZ, *THE NEW INTERPRETERS HANDBOOK* (1987).

148. See SUSAN BERK-SELIGSON, *THE BILINGUAL COURTROOM: COURT INTERPRETERS IN THE JUDICIAL PROCESS* 54 (1990).

to get the community's goals accomplished. In this task, lawyers must be open-minded about taking advantage of all possible strategies.

Utilize the community's strengths.

There are tremendous resources hidden within the community. For example, members within the community who are most directly aggrieved may be the most effective spokespersons. Not only do their voices encourage the community to take full ownership of the problem, but they may also produce the most effective persuasion. For instance, by having community members testify at the environmental review process, we were able to persuade the state agency to require a full environmental review. Because their comments were rooted in their daily lives, the community members' testimonies were compelling. And because the comments were responsive to specific environmental standards, they were not perceived by decision-makers as ranting and raving.

Conduct community research.

We have already described the success of our traffic study.¹⁴⁹ Since our initial foray into collecting traffic data with the assistance of community youths, we progressed to conducting full studies involving (1) video traffic monitoring and (2) a health survey of residents.¹⁵⁰ Community lawyers can help not only by organizing these studies, but also by writing grant applications to garner financial support for these community research projects. The information collected, through the community's own work, will be invaluable in combating future developments.

Use electoral politics.

We engaged in electoral politics twice in the Parcel C struggle. The first was the referendum — a bold community-organizing tactic.¹⁵¹ The referendum was never designed to be an officially recognized city election. Rather, it was a way for garage opponents to register, publicly and quantifiably, their opposition to the NEMC garage proposal. The Coalition wanted the referendum results to evince how the CNC's vote for the NEMC garage betrayed the community's will. As lawyers, we focused on ensuring the referendum's integrity by enlisting impartial third parties as poll workers and monitors.

The second was the CNC election in which the Coalition attempted to regain control over the CNC. Although out-voted by the entrenched conservative sector of the community, the Coalition made the community members recognize that their political participation was directly connected to their ability to influence the community's future.

Organize youth as volunteers.

The Coalition recognized that it needed vast numbers of volunteers to launch a successful struggle. Although the Coalition could count on the elderly to show up to meetings and demonstrations, they could not be expected to help with lit-

149. See *supra* note 86.

150. See Doug Brugge et al., *Viewpoint: Can a Community Inject Public Health Values into Transportation Questions?*, 114 PUB. HEALTH REP., Jan.-Feb. 1999, at 40-47.

151. See *supra* Part III.D. This tactic would have never been taught in law school precisely because lawyers would be too engrossed in contemplating the enforceability of the referendum, ignoring the potential moral gain. See Gerald P. Lopez, *Training Future Lawyers to Work With the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 W. VA. L. REV. 305-06 (1989).

drop,¹⁵² tabling, or activity planning. At the same time, the core activists also recognized the need to use the Parcel C campaign to recruit and train the next generation of activists. Youth were recruited from the two summer initiatives run by the Chinese Progressive Association and the Asian American Resource Workshop. They fueled the community outreach effort by conducting lit-drop, publicity tabling, community traffic studies, Recreation Day planning, and art contests. The youth also performed essential outreach by talking to their friends and families.

Learn to work without the comfort of a roadmap.

Throughout the Parcel C struggle, we, as community lawyers, strived to be open, creative, and adaptive. We changed course when necessary, and made up new ways as we went. We did not have a legal action plan that would lead the community from one proceeding to another. All that we were certain of was that NEMC would be required to produce the Environmental Impact Report, and the community would then have a chance to refute it. Beyond that, legal strategy remained a work-in-progress. We did not let ourselves get bogged down by the traditional mode of litigation,¹⁵³ even though we were prepared to eventually file suit if necessary.

Do not be afraid to learn new areas of law.

Since the Parcel C Legal Committee members lacked experience in environmental law, we initially shopped for counsel willing to take a reduced-fee project. When none were available to respond to the MEPA state environmental review process, we needed to take on the case ourselves. We learned the law and shared it with the community. Through this process, we gained confidence that we could learn new areas of law when necessary and be competent in assisting the community in these new fields.

Train law students to become the next generation of community lawyers.

The ad hoc inclusion of law students into the Parcel C Legal Committee not only boosted the legal team's capacity but also exposed the students to community lawyering. They learned firsthand about the community, its history, and its struggles. By working with non-lawyers, the students learned to appreciate non-legal solutions not often taught in law schools.

Tap into the resources within the legal services program.

The success of the Parcel C Legal Committee did not take place in a vacuum. While the younger attorneys and law students did most of the research and investigation, an experienced GBLS litigator¹⁵⁴ supervised the entire undertaking. Without restricting the Parcel C Legal Committee's freedom to experiment with new

152. Lit-drops involved canvassing the community by going door-to-door in the various housing developments and residences to drop off informational flyers and newsletters. This kept the community informed of upcoming events and increased participation in community meetings.

153. At an early stage in the Parcel C struggle, the pro bono lawyer retained to represent the Coalition on the BRA project review recommended that the Coalition file a class action seeking injunctive relief in court. Another class action strategy was recommended by the Conservation Law Foundation, which invited the Coalition to be a plaintiff in its planned class action lawsuit against municipalities on unwanted garages. Had the Coalition adopted these recommendations, the struggle would have been dominated by actions in the court rather than in the community. This would have been no different than entrusting Chinatown's welfare to a few "community leaders."

154. Dan Manning, who serves as the Litigation Director of GBLS, was the supervising attorney on the Parcel C case.

areas of law, or limiting its strategy around public hearings, GBLS extended its litigation expertise to give the community the last resort of filing a civil rights lawsuit. When the Chinatown community resolved to sue the City for civil rights violations, the high level contact between GBLS and the City's corporate counsel helped the community avert a potentially costly and time-consuming litigation and hastened the end of the struggle. As community lawyers, we should not underestimate the wealth of knowledge and expertise embedded in legal services programs that could be tapped into to benefit the community.¹⁵⁵

V. CONCLUSION

The success of Parcel C as a community movement and as a demonstration of good community lawyering grew out of a synergy of good fortune and good practice. It took place when the community was ready to fight, with the assistance of a group of energetic, young, daring, and committed lawyers, law students, and activists. No one participated in the Parcel C struggle intending to make it a demonstration project of community lawyering. It was through a process of learning to work with community activists, residents, and other professionals that we developed a road map for community lawyering. Our inexperience made it easier for us to let go of the law in "solving" problems and enabled us to pursue non-legal strategies. However, it is by repeating the practice, reflecting on its efficacy, and refining it over time that we may expand the components and strategies to make community lawyering effective.

Community lawyering is about returning power to the community by supplementing their skills with the tools of legal information, so that they know how and when to wield the knowledge, to protect their life, liberty, and property. Its goal is to make lasting changes and bring about social justice.

Community lawyers must recognize the limitations of the law. We need to make intelligent use of the community's assets and ensure that our practice stays innovative, energetic, and adaptive. Our success as community lawyers lies in building tools for subordinated people to negotiate with the dominant society, making room for them to sit at the negotiation table, facilitating their say in decisions that affect their lives, and encouraging them to capitalize on their talents and assets.

There is nothing especially rebellious in the concept of community lawyering. It is merely asking lawyers committed to social change to sustain the youthful idealism, energy, and creative vision that they possessed when they first entered the law. What we did during the Parcel C struggle was simply to live up to the vision that beckoned us to become community lawyers in the first place.

155. Many who hold leadership positions in today's legal services were once the 1960's visionary poverty lawyers. They brought about major changes in the poor's access to public assistance through the welfare rights movement, forced local government to bring residential buildings up to code, and brought class actions that changed the landscape of the legal system. See, e.g., Alan W. Houseman, *A Short Review of Past Poverty Law Advocacy*, 23 CLEARINGHOUSE REV. 1514, 1516 (citing *Goldberg v. Kelly*, 297 U.S. 254 (1970) (welfare recipient), *Shapiro v. Thompson*, 294 U.S. 638 (1969) (public housing), *Morris v. Williams*, 433 P.2d 697 (Cal. 1967) (Medicaid coverage)). See also JOHN A. DOOLEY & ALAN W. HOUSEMAN, *LEGAL SERVICES HISTORY* (1985).

VI. APPENDIX

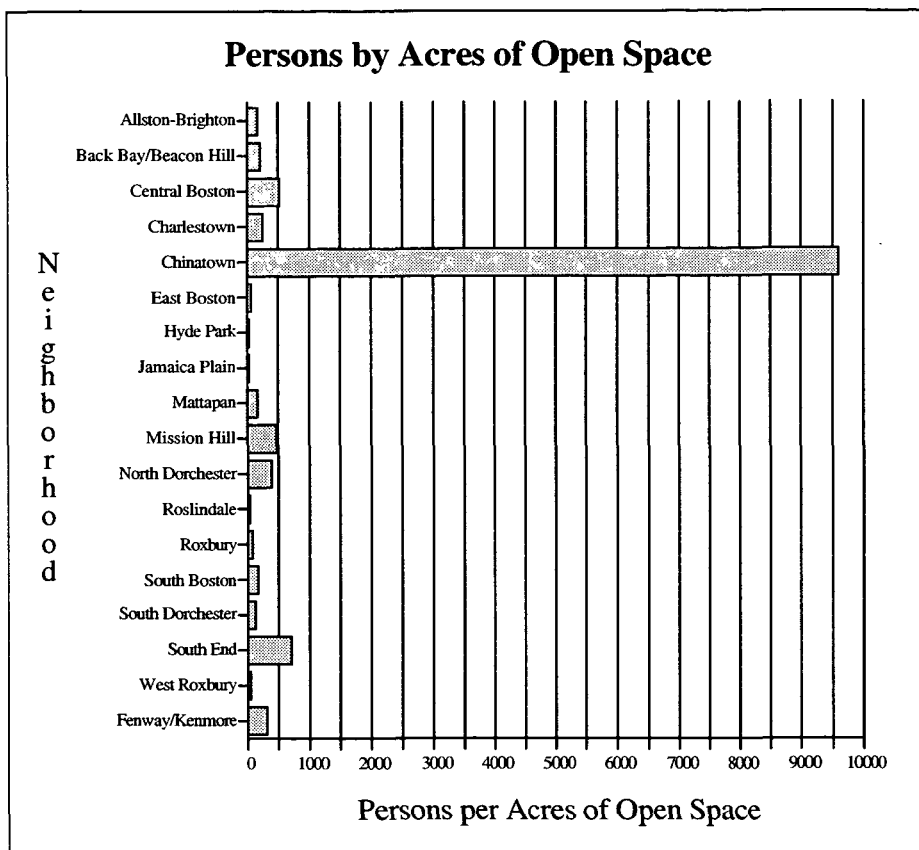


Figure 1.

Persons by Acres of Open Space. The Chinatown Coalition, The Chinatown Community Assessment Report, p. 27 (Boston, July 1994).

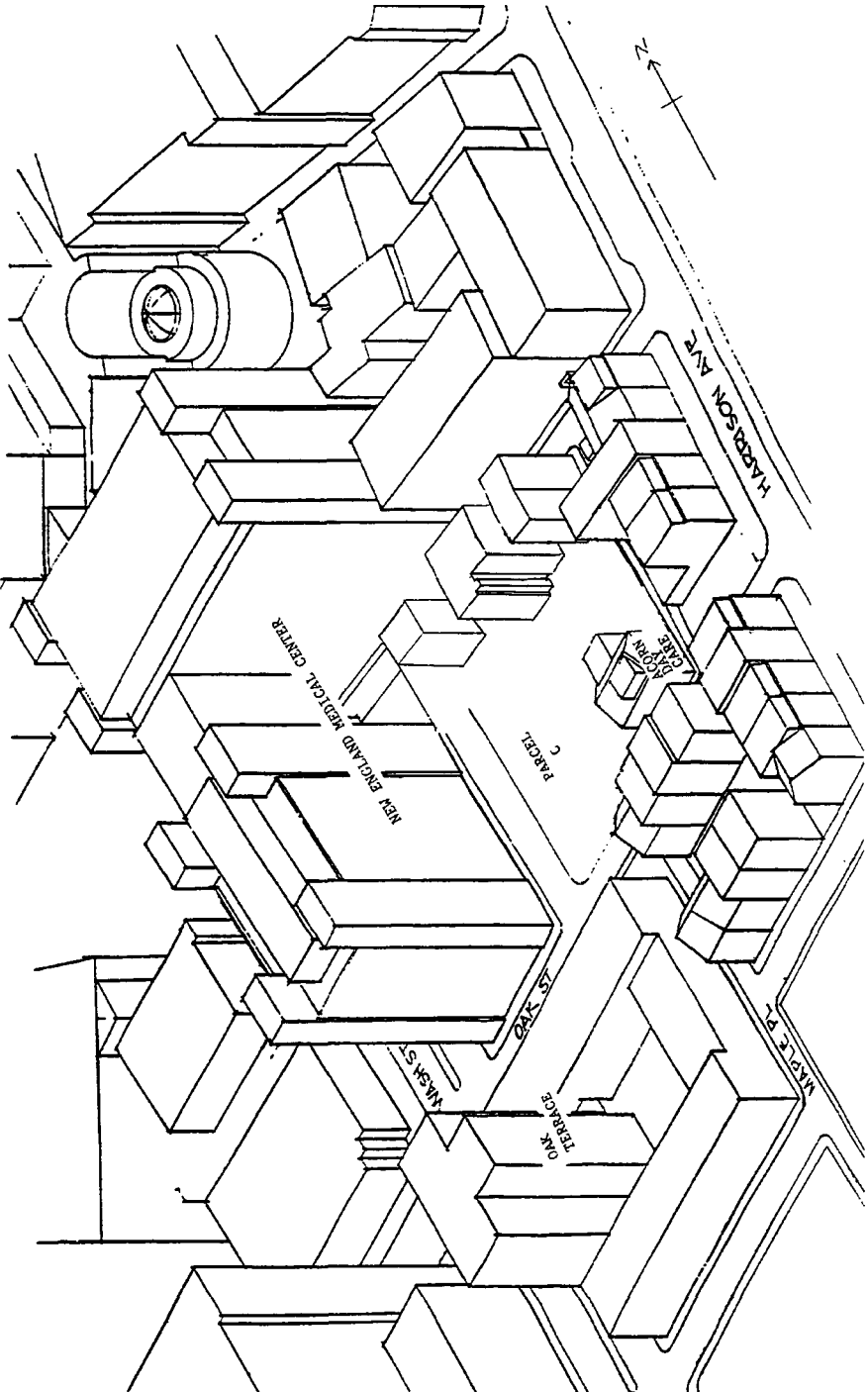


Figure 2.

Parcel C and its environs. Adapted from Chia-Ming Sze, A New Chinatown Community Center on Parcel C (Boston, Mass. Mar. 31, 1994).

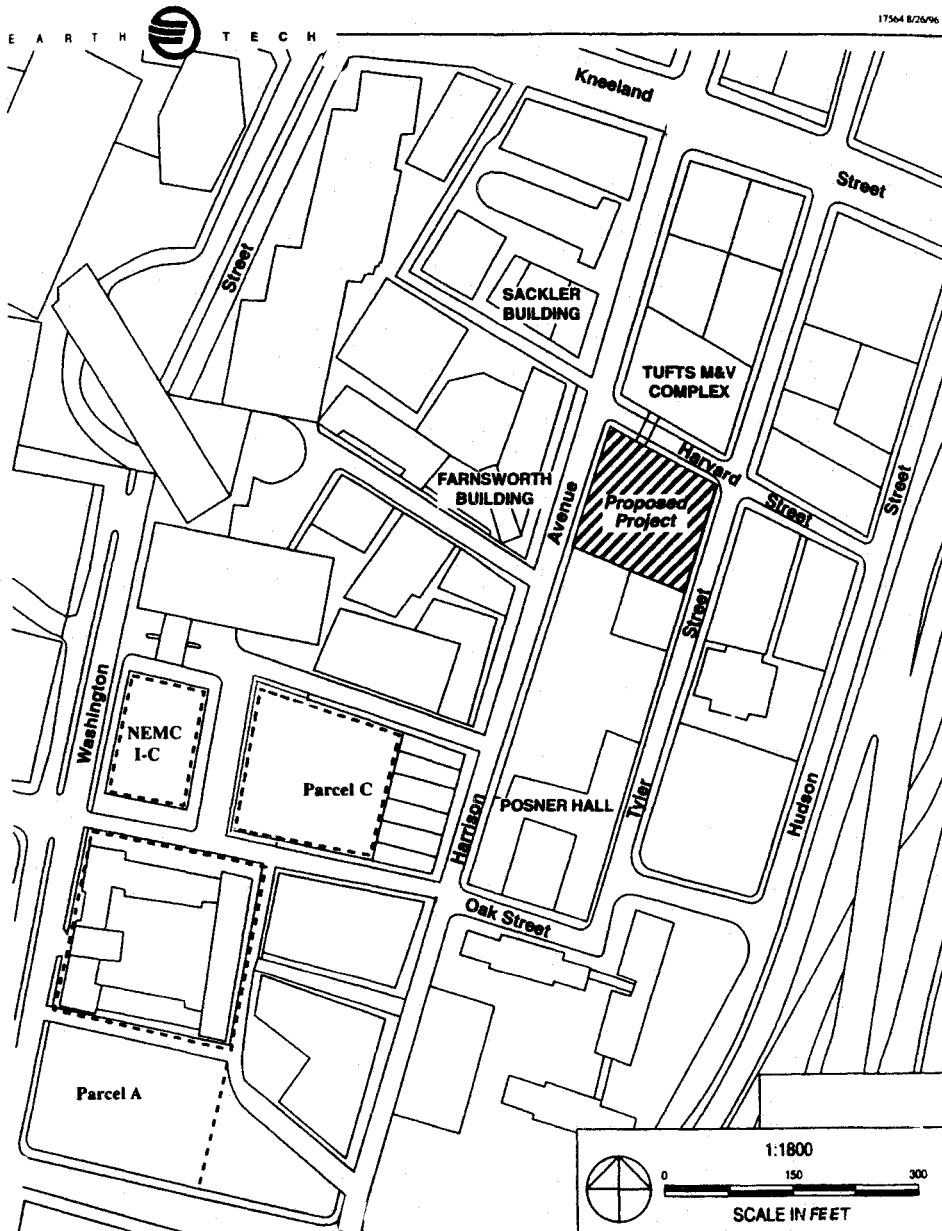


Figure 3.

Parcel C and its surroundings. Adapted from Tufts University Biomedical Research and Nutritional Science Complex Draft Project Impact Report/Draft Environmental Impact Report, p. V2, fig. V 1-1 (Sept. 3, 1996).

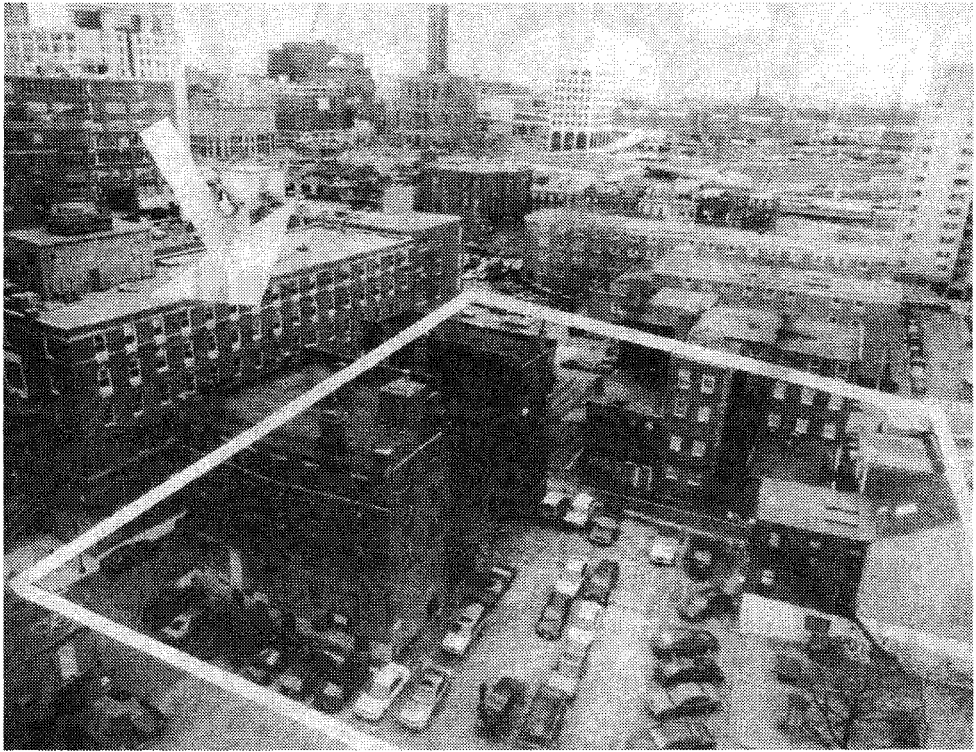


Photo 1.

Parcel C aerial shot. Sampan p. 1 (Boston, Mass. Sept. 3, 1999).



Photo 2.

*An entertainer performing at the Recreation Day, August 20, 1994.
Photograph taken by Andrew Leong.*



Photo 3.

View of residents on Oak Street. Photograph taken by Andrew Leong.

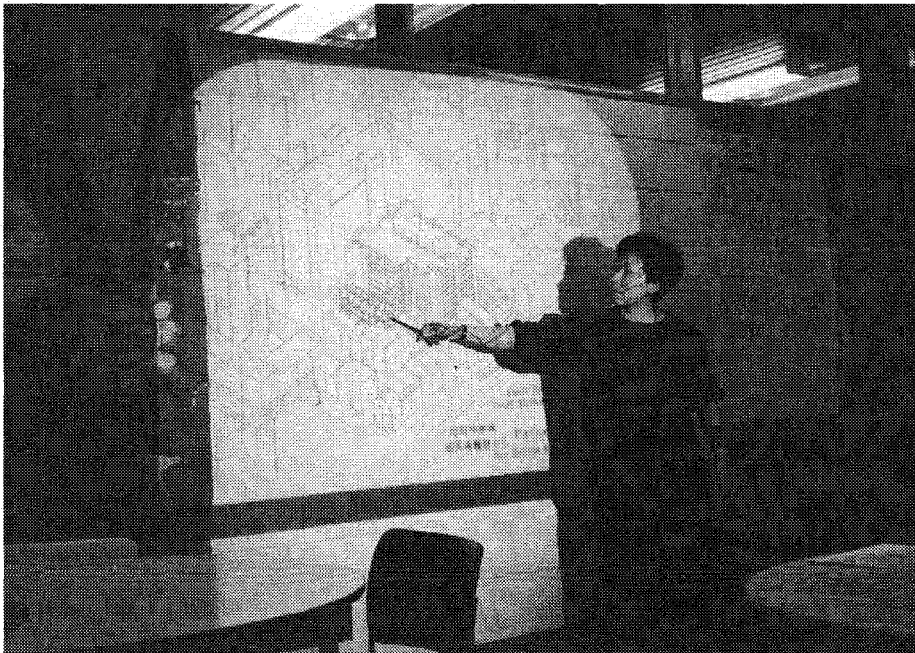


Photo 4.

Parcel C Coalition Chair, Suzanne Lee, showing the scale of the proposed NEMC garage at a community meeting. Photograph taken from the Asian American Resource Workshop Photo Archive.



Photo 5.

An elderly speaking out at a Parcel C rally. Photograph taken by Doug Brugge.

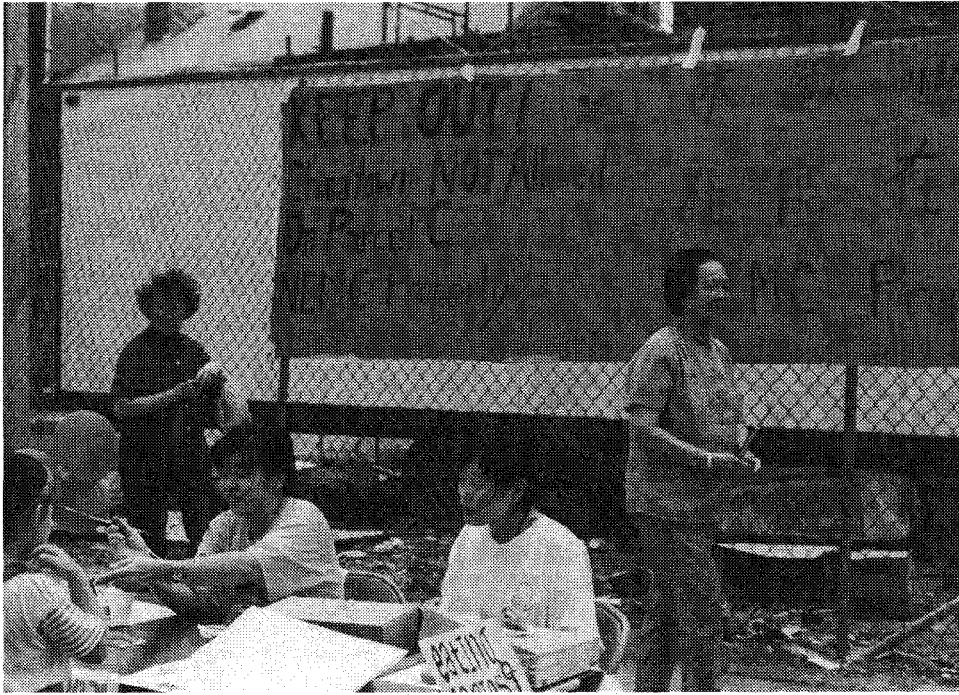


Photo 6.

Co-authors, Zenobia Lai (left) and Chi Chi Wu (right), helping out at the Recreation Day. Photograph taken by Andrew Leong.



Photo 7.

Youth learning about the Coalition's proposed Parcel C Community Center. Photograph taken from the Asian American Resource Workshop Photo Archive.



Photo 8.

Youth, Zhi Liang, speaking at the Parcel C victory rally. Photograph taken from the Asian American Resource Workshop Photo Archive.

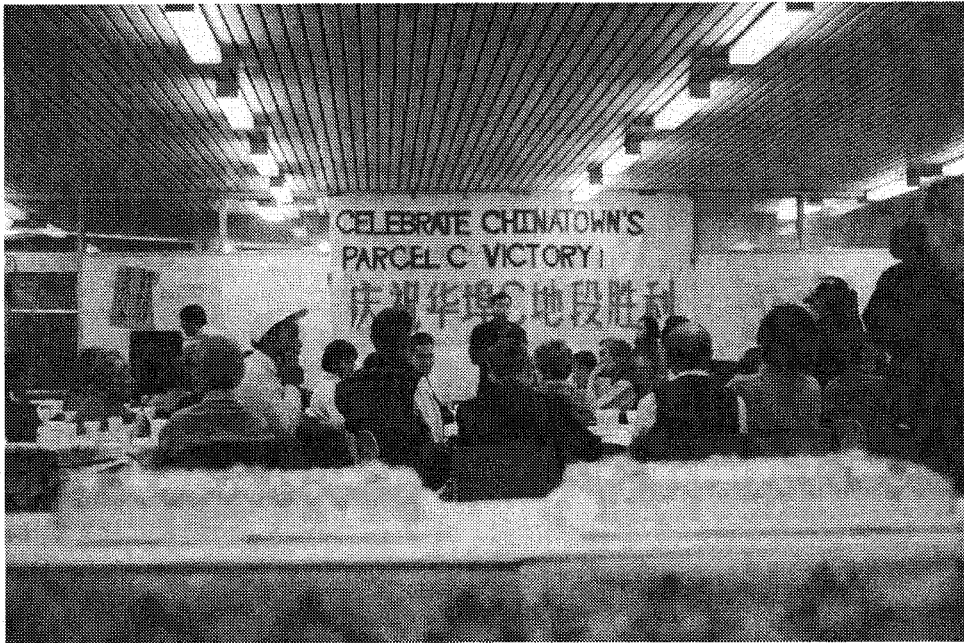


Photo 9.

Community celebrating the return of Parcel C to the community. Photograph taken from the Asian American Resource Workshop Photo Archive.